



Signature Report

Ordinance

Proposed No. 2024-0408.2

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 263, Article 2, Section 1, as
5 amended, and K.C.C. 20.12.010, Ordinance 3692, Section
6 2, as amended, and K.C.C. 20.12.200, Ordinance 10511,
7 Section 7, as amended, and K.C.C. 20.36.100, Ordinance
8 6949, Section 6, as amended, and K.C.C. 20.44.040,
9 Ordinance 18626, Section 11, as amended, and K.C.C.
10 21A.06.039, Ordinance 15051, Section 7, as amended, and
11 K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as
12 amended, and K.C.C. 21A.06.122, Ordinance 10870,
13 Section 80, as amended, and K.C.C. 21A.06.200,
14 Ordinance 11481, Section 1, and K.C.C. 21A.06.253C,
15 Ordinance 15051, Section 24, and K.C.C. 21A.06.254,
16 Ordinance 10870, Section 123, as amended, and K.C.C.
17 21A.06.415, Ordinance 15051, Section 41, and K.C.C.
18 21A.06.451, Ordinance 15051, Section 64, and K.C.C.
19 21A.06.578, Ordinance 15051, Section 107, and K.C.C.
20 21A.06.1331, Ordinance 10870, Section 176, as amended,

and K.C.C. 21A.06.680, Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750, Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015, Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240, Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370, Ordinance 10870, Section 323, and K.C.C. 21A.06.1391, Ordinance 10870, Section 321, and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010, Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100, Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 15051, Section 149, as amended, and K.C.C. 21A.24.125, Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as

44 amended, and K.C.C. 21A.24.133, Ordinance 10870,
45 Section 464, as amended, and K.C.C. 21A.24.170,
46 Ordinance 10870, Section 465, as amended, and K.C.C.
47 21A.24.180, Ordinance 10870, Section 467, as amended,
48 and K.C.C. 21A.24.200, Ordinance 11621, Section 75, as
49 amended, and K.C.C. 21A.24.275, Ordinance 10870,
50 Section 475, as amended, and K.C.C. 21A.24.280,
51 Ordinance 10870, Section 478, as amended, and K.C.C.
52 21A.24.310, Ordinance 10870, Section 476, as amended,
53 and K.C.C. 21A.24.290, Ordinance 15051, Section 158,
54 and K.C.C. 21A.24.205, Ordinance 11481, Section 2, as
55 amended, and K.C.C. 21A.24.311, Ordinance 15051,
56 Section 173, as amended, and K.C.C. 21A.24.312,
57 Ordinance 15051, Section 174, as amended, and K.C.C.
58 21A.24.313, Ordinance 15051, Section 179, as amended,
59 and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as
60 amended, and K.C.C. 21A.24.318, Ordinance 15051,
61 Section 185, as amended, and K.C.C. 21A.24.325,
62 Ordinance 15051, Section 187, as amended, and K.C.C.
63 21A.24.335, Ordinance 10870, Section 481, as amended,
64 and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as
65 amended, and K.C.C. 21A.24.355, Ordinance 15051,
66 Section 193, as amended, and K.C.C. 21A.24.358,

67 Ordinance 15051, Section 195, as amended, and K.C.C.
68 21A.24.365, Ordinance 10870, Section 485, as amended,
69 and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as
70 amended, and K.C.C. 21A.24.382, Ordinance 11621,
71 Section 52, as amended, and K.C.C. 21A.24.385,
72 Ordinance 11621, Section 53, as amended, and K.C.C.
73 21A.24.386, Ordinance 15051, Section 204, and K.C.C.
74 21A.24.388, Ordinance 16958, Section 31, as amended,
75 and K.C.C. 21A.25.100, Ordinance 16985, Section 32, as
76 amended, and K.C.C. 21A.25.110, Ordinance 3688, Section
77 415, as amended, and K.C.C. 21A.25.150, Ordinance
78 16985, Section 39, as amended, and K.C.C. 21A.25.160,
79 Ordinance 16985, Section 46, as amended, and K.C.C.
80 21A.25.210, Ordinance 11168, Section 3, as amended, and
81 K.C.C. 21A.30.045, Ordinance 10870, Section 534, as
82 amended, and K.C.C. 21A.30.060, Ordinance 15051,
83 Section 228, and K.C.C. 21A.50.035, and Ordinance
84 13332, Section 28, as amended, and K.C.C. 27.10.130,
85 adding new sections to K.C.C. chapter 21A.06, adding new
86 sections to K.C.C. chapter 21A.24, recodifying K.C.C.
87 21A.06.578, K.C.C. 21A.06.1331, K.C.C. 21A.24.500,
88 K.C.C. 21A.24.310, K.C.C. 21A.24.205, K.C.C.
89 21A.24.210, K.C.C. 21A.24.220, and repealing Ordinance

15051, Section 67, and K.C.C. 21A.06.628, Ordinance
15051, Section 139, as amended, and K.C.C. 21A.24.055,
Ordinance 17539, Section 47, as amended, and K.C.C.
21A.24.072, Ordinance 15051, Section 152, as amended,
and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as
amended, and K.C.C. 21A.24.140, Ordinance 11481,
Sections 3 and 5, as amended, and K.C.C. 21A.24.314,
Ordinance 15051, Section 189, as amended, and K.C.C.
21A.24.342, and Ordinance 15051, Section 234, as
amended, and K.C.C. 21A.24.550.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881. Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

113 C. King County reviewed BAS and updated its critical areas policies and
114 development regulations. The county's current BAS review builds on the county's 2004
115 BAS review and was informed by GMA and state guidance documents, updated BAS for
116 critical areas developed by state natural resources agencies, supplemental scientific
117 literature, county experience in implementing critical area regulations since 2004,
118 consideration of the county's unique land use context, and the need to meet multiple
119 GMA goals.

120 D. The October 2024 Best Available Science Review and Updates to Critical
121 Areas Protections report summarizes GMA requirements for review and inclusion of
122 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes
123 tribal consultation and community engagement, details the approach and scope for BAS
124 review, reviews Comprehensive Plan considerations, and identifies regulatory updates
125 and nonregulatory actions to strengthen protection and ensure no net loss of critical areas
126 functions and values. As required by GMA, where policies and development regulations
127 depart from BAS, the report provides information and rationale to support departures,
128 assesses potential risks to critical areas functions and values, and describes regulatory and
129 nonregulatory actions to mitigate risk.

130 E. Comprehensive Plan policies, land use designations, zoning classifications,
131 and development regulations work in concert with nonregulatory actions, including land
132 conservation and habitat restoration to ensure no net loss of critical area functions and
133 values.

134 F. The proposed updates to critical areas regulations strengthen protections for
135 critical areas functions and values while advancing the goals of GMA, including the

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

139 G. The adoption of this ordinance completes all the requirements of the update
140 required under RCW 36.70A.130.

141 H. Farm management plans provide a pathway for environmental protection
142 through stewardship of agricultural lands by farmers and landowners. Farm management
143 plans provide a voluntary pathway to protect valuable resource lands through
144 implementation of design practices, best management practices, education, and technical
145 assistance. Farm management plans are administered through King Conservation District
146 through a cooperative process with farmers.

147 I. King County, through the department of natural resources and parks and
148 department of local services, retains, reviews, or approves a subset of farm management
149 plans that are developed as a condition of participation in the public benefit rating system
150 or use of certain agricultural development standards. The county seeks to monitor the
151 progress and outcomes of farm management plans in order to ensure the protection of
152 fragile ecosystems, the preservation of prime agricultural lands, and the viability of
153 farming in King County. The council finds that having data on how farm management
154 plans support implementation of regulatory flexibility, land conservation, and
155 development of water quality best management practices would help to inform
156 monitoring, adaptive management, and future policy decisions. The council intends that
157 the departments collect information on farm management plans, such as which properties
158 have approved farm management plans, the date of issuance, where the farm plan was

relied upon as a condition for application of a development regulation or incentives for land conservation or water quality protection, and types of best management practices applied to protect critical areas on site.

SECTION 2.

A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881.

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

C. The elements of the King County Shoreline Master Program in sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

181 B. The activities in subsection D. of this section are exempted from the
182 requirement of obtaining a clearing or grading permit but only if those activities
183 conducted in critical areas (~~((are in compliance))~~) comply with the standards in this chapter
184 and in K.C.C. chapter 21A.24 and are legally established. Activities exempt from
185 obtaining a clearing and grading permit are not exempt from other code requirements and
186 may require other permits, including, but not limited to, a floodplain development permit.

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

189 1. The use of "NP" in a cell means that a clearing or grading permit is not
190 required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24
191 are met;

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

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

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

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

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

205 5. Clearing and grading permits are required when a cell is empty and for
 206 activities not listed on the table.

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

	Out of Critic cal Area and Buff er	Coal Mine Haza rd <u>Area</u>	Erosio n Hazar d <u>Area</u>	Floo d Haza rd <u>Area</u>	Chan nel Migr ation <u>Haza rd Area</u>	Lands lide & <u>Steep Slope</u> Hazar d <u>Areas</u> and Buffer	Seis mic, <u>Volc anic, and Tsun ami Haza rd Area</u>	((Vol canic Haza rd))	((Ste ep Slope Haza rd and Buffe r)) <u>Alluv ial Fan Haza rd Area</u>	Critic al Aquif er Recha rge Area	Wetl and Buff er	Aqua tic Area and ((Buf fer)) <u>Ripar ian Area</u>	Wildli fe Habita t Netwo rk and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P-1,		NP 1, 2			

								2))					
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((NP P 3))		NP 3	((NP P 4))	((NP P 4))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((NP P 5))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((NP P 6))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((NP P 25))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((NP P))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((NP P 7))	<u>NP</u> 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((NP P 9))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((NP P 10))	NP 10	NP 10	NP 10	NP 10	NP 10

Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	((N P 11))	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((N P 12))	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	((N P 13))	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	((N P 13, 14, 15))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((Construction of farm field access drive))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))
((Maintenance of farm field access drive))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((N P 19))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or	NP		NP				NP	((N		NP			

maintenance of utility corridors or facility outside of the right-of-way	1, 2, 3 NP 27		1, 2, 3				1, 2, 3	P1, 2, 3))		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 water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((N P 20))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((N P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat	NP	NP	NP	NP	NP	NP	NP	((N P 13))	NP	NP	NP	NP	NP

((restoration)) creation or enhancement project		21	21	21	21	21	21	₪ 21))	21		21	21	21
Drilling and testing for critical areas((s)) report <u>or monitoring</u> <u>and data collection</u>	NP 1, 2, <u>22</u>	NP ((1, <u>22</u>	NP ((1, <u>22</u>	NP 22	NP 22	NP 22	NP ((1, <u>22</u>	((N P 1, <u>22</u>	NP 22	NP ((1, <u>22</u>	NP 22	NP 22	NP 22
Agriculture													
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 storage facility	NP ((16)) <u>17</u>	NP ((16)) <u>17</u>	NP ((16)) <u>17</u>	NP ((16)) <u>17</u>	NP ((16)) <u>17</u>		NP ((16)) <u>17</u>	((N P 16))		NP ((16)) <u>17</u>	NP ((16)) <u>17</u>	NP ((16)) <u>17</u>	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((N P 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	((N P 26))	NP 26	NP 26	NP 26	NP 26	NP 26

Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((N P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
<u>Construction of farm field access drive</u>	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16		<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16
<u>Maintenance of farm field access drive</u>	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17		<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17	<u>NP</u> 17
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((N 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	((N 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 13	((N P))	NP 13	NP 13	NP 13	NP 13	NP 13

208 E. The following conditions apply:

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

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

218 3. Cumulative clearing on a single site since January 1, 2005 shall be limited to
219 less than seven thousand square feet, including, but not limited to, collection of firewood
220 and removal of vegetation for fire safety. This exemption shall not apply to development
221 proposals:

- 222 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 223 b. in a critical drainage areas established by administrative rules;
- 224 c. subject to clearing limits included in property-specific development
225 standards and special district overlays under K.C.C. chapter 21A.38; or
- 226 d. subject to Urban Growth Area significant tree retention standards under
227 K.C.C. 16.82.156 and K.C.C. Title 21A.

228 4. ~~((Cutting firewood for personal use in accordance with a forest management
229 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
230 condition, personal use shall not include the sale or other commercial use of the
231 firewood.)) Repealed.~~

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

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

234 7. Cumulative clearing of less than seven thousand square feet annually or
235 conducted in accordance with an approved farm management plan(~~(;)~~) or forest
236 management plan(~~(; or rural stewardship plan)~~).

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

239 a. conducted in accordance with a farm management plan(~~(;)~~) or a forest
240 management plan(~~(; or a rural stewardship plan)~~); or

241 b. limited to removal with hand labor.

242 9. When conducted as a Class I, II, III₂ or IV-S forest practice as defined in
243 chapter 76.09 RCW and Title 222 WAC.

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

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

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

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

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

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

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

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

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

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

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

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

274 a. The King Conservation District;

275 b. King County department of natural resources and parks;

276 c. King County department of local services, permitting division; or

277 d. Washington state Department of Fish and Wildlife.

278 16. Only on a site where the primary use is agricultural activities, is within an
279 Agricultural Production District, enrolled in the Farmland Preservation Program, or
280 zoned A, and if:

281 a. consistent with an ((adopted)) approved farm management plan in
282 accordance with K.C.C. Title 21A, including any best management practices applicable
283 to the activity;

284 b. less than two-thousand square feet of impervious surface is created;

285 c. access is not greater than fourteen feet wide;

286 d. there is no alternative location with less impact on critical areas and
287 associated buffers;

288 e. in compliance with the farmland dispersion requirements in the Surface
289 Water Design Manual;

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

291 g. a floodplain development permit is obtained for any activity within the
292 floodplain; and

293 h. all other required state and federal permits have been obtained and activities
294 comply with these permits.

295 17. Only if consistent with an approved farm management plan in accordance
296 with K.C.C. Title 21A.

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

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

300 20. When:

- 301 a. conducted by a public agency;
- 302 b. the height of the facility is not increased;
- 303 c. the linear length of the facility is not increased;
- 304 d. the footprint of the facility is not expanded waterward;
- 305 e. done in accordance with the Regional Road Maintenance Guidelines;
- 306 f. done in accordance with the adopted King County Flood Management Plan
- 307 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat
- 308 Guidelines Program, 2002); and
- 309 g. monitoring is conducted for three years following maintenance or repair and
- 310 an annual report is submitted to the department.

311 21. Only if:

- 312 a. the activity is not part of a mitigation plan associated with another
- 313 development proposal or is not corrective action associated with a violation~~((§))~~, and
- 314 ~~((b. the activity is sponsored or cosponsored by a government agency that has~~
- 315 ~~natural resource management as its primary function and the activity is))~~ limited to~~((§~~
- 316 ~~(4)))~~ revegetation of the critical area and ~~((its))~~ associated buffer with native
- 317 vegetation or climate-adaptive plants, or the removal of noxious weeds or invasive
- 318 vegetation using only hand labor; or
- 319 b. the activity is sponsored or cosponsored by a government agency that has
- 320 natural resource management as its primary function and limited to:
- 321 (1) revegetation of the critical area and associated buffer with native
- 322 vegetation or climate-adaptive plants;
- 323 (2) the removal of noxious weeds or invasive vegetation;

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

326 ~~((3))~~ (4) hand labor except:

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

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

332 22. If done with hand equipment ~~((and))~~, minimal grading including site access,
333 does not involve any clearing, and equipment is removed when work is concluded.

334 23. Clearing for the purposes of wildfire preparedness that does not otherwise
335 require another permit and that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A, as
336 follows:

337 a. understory clearing within fifteen feet of a residential structure containing
338 habitable space or an attached deck;

339 b. understory clearing and tree removal and pruning within ten feet of an
340 installed aboveground nonportable liquefied petroleum gas tank;

341 c. within thirty feet of a residential structure containing habitable space,
342 understory clearing and tree pruning underneath a tree crown to provide up to ten feet of
343 vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed
344 one-third of the tree height;

345 d. within thirty feet of a residential structure containing habitable space, tree
346 removal and pruning to provide up to fifteen feet of vertical clearance over driveways and
347 roads used for emergency vehicle access;

348 e. within thirty feet of a residential structure containing habitable space, tree
349 removal and pruning to provide up to eighteen feet between tree crowns;

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

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

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

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

363 24. Limited to the removal of downed trees.

364 25. Except on properties that are:

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

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

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

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

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

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

- (1) all debris is removed following the pruning activity;
- (2) the activity is authorized by a right-of-way construction permit, if applicable; and

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

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

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

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

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

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

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

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

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

SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has

411 been reviewed and amended multiple times since its adoption in 1994. Amendments to
412 the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County
413 Comprehensive Plan, as adopted in Ordinance 19881, and as amended by this ordinance.
414 The Comprehensive Plan shall be the principal planning document for the orderly
415 physical development of the county and shall be used to guide subarea plans, functional
416 plans, provision of public facilities and services, review of proposed incorporations and
417 annexations, development regulations, and land development decisions.

418 SECTION 5. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are
419 hereby amended to read as follows:

420 A. The King County shoreline master program consists of the following
421 elements, enacted on or before ~~((December 23, 2024))~~ the date of enactment of this
422 ordinance:

423 1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

429 ~~d.))~~ K.C.C. 21A.24.070.A., B.2., C.2., D., and E.;

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

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

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

433 g. Section 63 of this ordinance;

434 h. K.C.C. 21A.24.200;
435 ~~((i. K.C.C. 21A.24.210;))~~
436 ~~((j. K.C.C. 21A.24.220;))~~
437 ~~((k.))~~ i. K.C.C. 21A.24.275;
438 ~~((l.))~~ j. K.C.C. 21A.24.280;
439 k. K.C.C. 21A.24.310, as recodified by this ordinance;
440 ~~((m.))~~ l. K.C.C. 21A.24.290;
441 m. Section 72 of this ordinance;
442 n. Section 73 of this ordinance;
443 ~~((o.))~~ o. K.C.C. 21A.24.300;
444 p. K.C.C. 21A.24.210, as recodified by this ordinance;
445 q. K.C.C. 21A.24.220, as recodified by this ordinance;
446 ~~((o. K.C.C. 21A.24.310;))~~
447 ~~((p.))~~ r. K.C.C. 21A.24.316;
448 ~~((q.))~~ s. K.C.C. 21A.24.318;
449 ~~((r.))~~ t. K.C.C. 21A.24.325;
450 ~~((s.))~~ u. K.C.C. 21A.24.335;
451 ~~((t.))~~ v. K.C.C. 21A.24.340;
452 ~~((u.))~~ w. K.C.C. 21A.24.355;
453 ~~((v.))~~ x. K.C.C. 21A.24.358;
454 ~~((w.))~~ y. K.C.C. 21A.24.365;
455 ~~((x.))~~ z. K.C.C. 21A.24.380;
456 ~~((y.))~~ aa. K.C.C. 21A.24.382;

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

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

459 4. The following:

460 a. K.C.C. 20.18.050;

461 b. K.C.C. 20.18.056;

462 c. K.C.C. 20.18.057;

463 d. K.C.C. 20.18.058;

464 e. K.C.C. 20.22.160;

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

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

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

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

469 5. The 2024 King County Flood Management Plan.

470 B. The shoreline management goals and policies constitute the official policy of
471 King County regarding areas of the county subject to shoreline jurisdiction under chapter
472 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
473 administrative, enforcement, and permit review procedures shall conform to chapter
474 90.58 RCW but shall not be a part of the shoreline master program.

475 C. Amendments to the shoreline master program do not apply to the shoreline
476 jurisdiction until approved by the Washington state Department of Ecology (~~as~~
477 ~~provided~~) in accordance with RCW 90.58.090. The department of local services,
478 permitting division, shall, within ten days after the date of the Department of Ecology's
479 approval, file a copy of the Department of Ecology's approval, in the form of an

480 electronic copy, with the clerk of the council, who shall retain the original and provide
481 electronic copies to all councilmembers, the chief of staff, and the lead staff of the local
482 services and land use committee or its successor.

483 SECTION 6. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
484 hereby amended to read as follows:

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

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

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

494 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage"
495 means land in private ownership through which the owner agrees to allow public passage
496 for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a
497 connection between trails within the county's regional trails system and local or regional
498 attractions or points of interest, for trail users including equestrians, pedestrians,
499 bicyclists, and other users. "Local or regional attractions or points of interest" include
500 other trails, parks, waterways, or other recreational and open space attractions, retail
501 centers, arts and cultural facilities, transportation facilities, residential concentrations, or
502 similar destinations. The linkage shall be open to passage by the general public and the

property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34

RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

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

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

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

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall

549 include at least a statement of purpose, detailed description of work to be done, site map
550 of the project area, and specific timeline for the enhancement activities to be completed.

551 The enhancement plan is subject to approval by the department; and

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

559 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-
560 pedestrian-bicycle trail linkage" means land in private ownership that the property owner
561 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other
562 active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link
563 from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on
564 trails receiving a tax reduction for this category, except for maintenance or for medical,
565 public safety, or police emergencies. Public access is required only on that portion of the
566 property containing the trail. The landowner may impose reasonable restrictions on
567 access that are mutually agreed to by the landowner and the department, such as limiting
568 use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the
569 owner shall provide a trail easement to an appropriate public or private entity acceptable
570 to the department. The easement shall be recorded with the King County recorder's
571 office or its successor. In addition to the area covered by the trail easement, adjacent land

572 used as pasture, barn, or stable area and any corral or paddock may be included, if an
573 approved and implemented farm management plan is provided. Land necessary to
574 provide a buffer from the trail to other nonequestrian uses, land that contributes to the
575 aesthetics of the trail, such as a forest, and land set aside and marked for off road parking
576 for trail users may also be included as land eligible for current use taxation. Those
577 portions of private roads, driveways, or sidewalks open to the public for this purpose may
578 also qualify. Fencing and gates are not allowed in the trail easement area, except those
579 that are parallel to the trail or linkage;

580 6. Farm and agricultural conservation land - five points. "Farm and agricultural
581 conservation land" means land previously classified as farm and agricultural land under
582 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or
583 traditional farmland not classified under chapter 84.34 RCW that has not been
584 irrevocably devoted to a use inconsistent with agricultural uses and has a high potential
585 for returning to commercial agriculture. The property shall be used for farm and
586 agricultural activities or have a high probability of returning to agriculture and the
587 property owner shall commit to returning the property to farm or agricultural activities by
588 implementing a farm management plan. An applicant shall have an approved farm
589 management plan in accordance with K.C.C. 21A.24.051 (~~that is acceptable to the~~
590 ~~department~~)) and K.C.C. 21A.30.045, if livestock is present, that is being implemented
591 according to its proposed schedule of activities before receiving credit for this category.
592 Farm and agricultural activities shall occur on at least one acre of the property. Eligible
593 land shall be zoned to allow agricultural uses and be owned by the same owner or held

594 under the same ownership. Land receiving credit for this category may not receive credit
595 for the contiguous parcels under separate ownership category;

596 7. Forest stewardship land - five points. "Forest stewardship land" means
597 property that is managed according to an approved forest stewardship plan and that is not
598 enrolled in the designated forestland program under chapter 84.33 RCW. The property
599 shall contain at least four acres of contiguous forestland, which may include land
600 undergoing reforestation, according to the approved plan. The owner shall have and
601 implement a forest stewardship plan approved by the department. The forest stewardship
602 plan may emphasize forest retention, harvesting, or a combination of both. Land
603 receiving credit for this category may not receive credit for the resource restoration ((or
604 rural stewardship land categories)) category;

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

9. Historic landmark or archeological site: designated site – five points.

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

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

"Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the

jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

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

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

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

662 13. ~~((Rural stewardship land – five points. "Rural stewardship land" means land~~
663 ~~zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural~~
664 ~~stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-~~
665 ~~zoned properties, the approved rural stewardship plan shall meet the goals and standards~~
666 ~~of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed~~
667 ~~if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but~~
668 ~~is not limited to, identification of critical areas, location of structures and significant~~
669 ~~features, site-specific best management practices, a schedule for implementation, and a~~
670 ~~plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural~~
671 ~~stewardship land, the open space shall be at least one acre and feature a plant community~~
672 ~~in which native plants are dominant or be in the process of native vegetation restoration,~~
673 ~~reforestation, or enhancement. Land receiving credit for this category may not receive~~
674 ~~credit for the ecological enhancement land, resource restoration, or forest stewardship~~
675 ~~land categories;~~

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

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

682 b. A "viewpoint" means a property that provides a view of an area visually
683 significant to the aesthetic character of the county. A site shall provide a view of a scenic
684 natural or recognized cultural resource in King County or other visually significant area,

685 allow unlimited public access, and be identified by a permanent sign readily visible from
686 a road or other public right-of-way.

687 c. A "view corridor" means a property that contributes to the aesthetics of a
688 recognized view corridor critical to maintaining a public view of a visually significant
689 scenic natural or recognized cultural resource. The site shall contain at least one acre of
690 open space that contributes to a view corridor visible to the public and that provides
691 views of a scenic natural resource area or recognized cultural resource significant to the
692 local area. The site shall have ~~((a))~~ significant cultural areas and contain significant
693 inventoried or designated historic properties, as determined by the King County historic
694 preservation officer or officer of another certified local government program in the
695 jurisdiction in which the property is located in. Eligibility is subject to determination by
696 the department or applicable jurisdiction;

697 ~~((15.))~~ 14. Significant plant or ecological site - five points. "Significant plant or
698 ecological site" means an area that meets the criteria for Element Occurrence established
699 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An
700 Element Occurrence is a particular, on-the-ground observation of a rare species or
701 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington
702 Natural Heritage Program or be identified as a property that meets the criteria for an
703 Element Occurrence. The identification shall be confirmed by a qualified expert
704 acceptable to the department in order to qualify. The department shall notify the
705 Washington Natural Heritage Program of any verified Element Occurrence on an
706 enrolling property. Commercial nurseries, arboretums, or other maintained garden sites
707 with native or nonnative plantings are ineligible for this category;

708 ~~((16-))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

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

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

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

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

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

723 b. To be eligible, the department, by its own determination or by expert
724 determination acceptable to the department, shall verify that qualified species are present
725 on the property or that the land fulfills the functions described in subsection C.~~((16))~~15.a.
726 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a
727 buffer at least fifteen percent greater in width than required by any applicable regulation.
728 Property consisting mainly of disturbed or fragmented open space determined by the
729 department as having minimal wildlife habitat significance is ineligible;

730 ~~((17.))~~ 16. Special animal site - three points. "Special animal site" means a site
731 that includes a wildlife habitat network identified by the King County Comprehensive
732 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A
733 RCW, or a biodiversity area and corridor identified by the Washington state Department
734 of Fish and Wildlife's priority habitats and species project as of the date of the application
735 as identified by King County or local or state jurisdiction or by expert verification
736 acceptable to the department or local jurisdiction. Property consisting mainly of
737 disturbed or fragmented open space determined by the department to have minimal
738 wildlife habitat significance is ineligible for this category;

739 ~~((18.))~~ 17. Surface water quality buffer – five, eight, or ten total points. "Surface
740 water quality buffer" means an undisturbed area that has a plant community in which
741 native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine
742 waters on or abutting the property, that provides buffers beyond that required by any
743 applicable regulation. To receive five points, the buffer shall be at least fifty percent
744 wider than the buffer required by any applicable regulation. To receive eight points, the
745 buffer shall be at least two times the required width. To receive ten points, the buffer
746 shall be at least three times the required width. The qualifying buffer shall be longer than
747 twenty-five feet and shall be preserved from clearing or maintenance, unless this area is
748 part of a department-approved ecological enhancement, farm management, forest
749 stewardship, ~~((rural stewardship,))~~ or resource restoration plan. Grazing use by livestock
750 on such land is prohibited;

751 ~~((19.))~~ 18. Urban open space - five points.

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

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

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

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

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

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

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

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

770 ~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area"
771 means property contributing to the forest cover that provides run-off reduction and
772 groundwater protection. The property shall consist of contiguous native forest or be in
773 the process of reforestation. The enrolling forested area shall consist of additional forest
774 cover beyond that required by county or applicable local government regulation and shall

775 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If
776 reforestation or improvements to the forest health are necessary, the property owner shall
777 provide and implement an ecological enhancement, a forest stewardship, or resource
778 restoration(~~(, or rural stewardship)~~) plan that addresses this need and is acceptable to the
779 department.

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

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

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

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

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

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

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

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

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

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

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

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

831 4. Public access - points depend on type and frequency of access allowed.
832 "Public access " means the general public is allowed access on an ongoing basis for uses
833 such as recreation, education, or training. Access shall be allowed on the portion of the
834 property that is designated for public access. The landowner may impose reasonable
835 restrictions on access, such as limiting use to daylight hours, agreed to by the department.
836 No physical barriers may limit reasonable public access or negatively affect an open
837 space resource. A property owner shall demonstrate that the property is open to public
838 access and is used by the public. Award of public access points for historic properties is
839 subject to approval by the historic preservation officer of King County or a certified
840 officer of another local government jurisdiction in which the property is located. The
841 property owner may be required to furnish and maintain signage according to county
842 specifications.

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

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

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

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

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

861 5. Resource restoration – five points. "Resource restoration" means restoration
862 of an enrolling area of property benefiting an area in an open space resource category.
863 Emphasis is placed on the restoration of native vegetation associated with anadromous
864 fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and
865 wetland habitats. The owner shall provide and implement a restoration plan approved by

the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land~~((;))~~ or forest stewardship land~~((, or rural stewardship land))~~ categories.

SECTION 7. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

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

~~((1.))~~ 2. The ~~((following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)))~~ exemptions in this section apply to all licenses and permits required to undertake a

888 proposal. To be exempt, the proposal shall be equal or smaller to the exemption level.

889 The exemptions in subsection A.3. of this section shall not apply when the proposal:

890 a. is undertaken wholly or partly on lands covered by water;

891 b. requires a license governing discharges to water that is not exempt under

892 RCW 43.21C.0383;

893 c. requires a license governing emissions to air that is not exempt under RCW

894 43.21C.0381 or WAC 197-11-800(7) or (8); or

895 d. requires a land use decision that is not exempt under WAC 197-11-800(6).

896 3. The county adopts the following thresholds for minor new construction under

897 WAC 197-11-800(1):

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

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

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

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

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

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

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

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

(4) up to one hundred cubic yards for any fill or excavation that is in ~~((an aquatic area, wetland,))~~ a steep slope, ((or)) landslide, or alluvial fan hazard area. ~~((If the proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred cubic yards.))~~

~~2.))~~ 4. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

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

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

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

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

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

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

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

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

B. Livestock and livestock products;

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

D. Feed or forage for livestock;

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

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

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a

sudden change in sediment transport capacity, such as a significant change in slope or confinement.

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

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

SECTION 12. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows:

A. Aquatic areas include:

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

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

3. Above~~(())~~ground open water conveyance systems, such as ditches, if any portion of the contributing water is used by fish; and

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

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

981 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
982 21A.06 a new section to read as follows:

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

991 SECTION 14. Ordinance 10870, Section 70, as amended, and K.C.C.
992 21A.06.122 are hereby amended to read as follows:

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

998 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
999 21A.06 a new section to read as follows:

1000 Climate-adaptive plants: plant species identified by the department of natural
1001 resources and parks currently or formerly native to the surrounding ecoregion that are
1002 predicted to maintain their abundance under climate change.

1003 SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C.
1004 21A.06.200 are hereby amended to read as follows:

1005 Coal mine hazard area: an area directly underlain, adjacent to, or ~~((directly))~~
1006 affected by operative or abandoned subsurface coal mine workings such as adits, tunnels,
1007 drifts, or air shafts.

1008 SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby
1009 amended to read as follows:

1010 Critical aquifer recharge area: an area with a critical recharging effect on aquifers
1011 used for potable water or areas where an aquifer is susceptible to reduced recharge, and
1012 designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ~~((that~~
1013 ~~has))~~. Critical aquifer recharge areas include areas with a high susceptibility to ground((
1014))water contamination or an area of medium susceptibility to ground((-))water
1015 contamination that is located within a sole source aquifer or within an area approved in
1016 accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or
1017 district drinking water system, or an area over a sole source aquifer and located on ~~((an~~
1018 ~~island surrounded by saltwater))~~ Vashon-Maury Island. Susceptibility to ground((
1019))water contamination occurs where there is a combination of permeable soils, permeable
1020 subsurface geology and ground((-))water close to the ground surface.

1021 SECTION 18. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby
1022 amended to read as follows:

1023 Critical area: any area that is subject to natural hazards or a land feature that
1024 supports unique, fragile, or valuable natural resources including fish, wildlife, or other
1025 organisms or their habitats or such resources that carry, hold, or purify water in their
1026 natural state. "Critical area" includes the following areas:

- 1027 A. ~~((Aquatic areas;~~
1028 ~~B. Coal mine hazard areas;~~
1029 C.)) Critical aquifer recharge areas;
1030 ~~((D. Erosion hazard areas;~~
1031 ~~E. Flood hazard areas;~~
1032 ~~F. Landslide hazard areas;~~
1033 ~~G. Seismic hazard areas;~~
1034 ~~H. Steep slope hazard areas;~~
1035 ~~I. Volcanic hazard areas;~~
1036 J.)) B. Frequently flooded areas, regulated as flood hazard areas, including:
1037 1. Floodplains;
1038 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;
1039 3. Zero-rise flood fringe;
1040 4. Zero-rise floodways;
1041 5. FEMA floodways; and
1042 6. Channel migration zones;
1043 C. Fish and wildlife habitat conservation areas, including:

- 1044 1. Aquatic areas;
1045 2. Riparian areas;
1046 3. Wildlife habitat conservation areas; and
1047 4. Wildlife habitat networks;

1048 D. Geologically hazardous areas, including:

- 1049 1. Alluvial fan hazard areas;
1050 2. Channel migration zones;
1051 3. Coal mine hazard areas;
1052 4. Erosion hazard areas;
1053 5. Landslide hazard areas;
1054 6. Seismic hazard areas;
1055 7. Steep slope hazard areas;
1056 8. Tsunami hazard areas; and
1057 9. Volcanic hazard areas; and

1058 E. Wetlands((;

1059 ~~K. Wildlife habitat conservation areas; and~~

1060 ~~L. Wildlife habitat networks)).~~

1061 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter

1062 21A.06 a new section to read as follows:

1063 Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within
1064 shorelines of the state, and floodplains designated as shorelines of the state in the
1065 shoreline master program.

1066 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter
1067 21A.06 a new section to read as follows:

1068 Debris flow: a moving mass of rock fragments, soil, and mud, where more than
1069 half of the particles are larger than sand size.

1070 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter
1071 21A.06 a new section to read as follows:

1072 Ecological professional: a person having a degree in ecology, wildlife biology,
1073 wetland biology, fisheries, botany, soil science, environmental science, natural resource
1074 management, or a closely related field, with a minimum of five years of professional
1075 experience related to the subject ecological field. Professional certification in a relevant
1076 ecological field can be substituted for two years of professional experience.

1077 SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C.
1078 21A.06.415 are hereby amended to read as follows:

1079 Erosion hazard area: ~~((an))~~ a geologically hazardous area underlain by soils that
1080 ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are
1081 not limited to~~((;))~~:

1082 A. ~~((t))~~ Those classified as having a severe to very severe erosion hazard
1083 according to the United States Department of Agriculture ~~((Soil))~~ Natural Resources
1084 Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King
1085 County Soils Survey or any subsequent revisions or addition by or to these sources ~~((such~~
1086 ~~as))~~:

1087 B. ~~((a))~~ Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

1088 C. ~~((a))~~Any of the following when they occur on slopes inclined at fifteen percent
1089 or more:

1090 ~~((A. The))~~ 1. Alderwood gravely sandy loam ("AgD");

1091 ~~((B. The))~~ 2. Alderwood and Kitsap soils ("AkF");

1092 ~~((C. The))~~ 3. Beausite gravely sandy loam ("BeD" and "BeF");

1093 ~~((D. The))~~ 4. Kitsap silt loam ("KpD");

1094 ~~((E. The))~~ 5. Ovall gravely loam ("OvD" and "OvF");

1095 ~~((F. The))~~ 6. Ragnar fine sandy loam ("RaD"); and

1096 ~~((G. The))~~ 7. Ragnar-Indianola Association ("RdE").

1097 SECTION 23. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby
1098 amended to read as follows:

1099 Farm field access drive: a~~((n))~~ paved or impervious ~~((surface constructed to~~
1100 ~~provide a fixed))~~ route or path used for moving livestock, produce, equipment, or
1101 supplies to and from farm fields, and farm structures for agricultural activities.

1102 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter
1103 21A.06 a new section to read as follows:

1104 Fish and wildlife habitat conservation areas:

1105 A. Areas that serve a critical role in sustaining needed habitats and species for the
1106 functional integrity of the ecosystem, and which, if altered, may reduce the likelihood
1107 that the species will persist over the long term. These areas may include, but are not
1108 limited to, rare or vulnerable ecological systems, communities, and habitat or habitat
1109 elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas,
1110 wildlife habitat network, and areas with high population density or species richness.

1111 B. Fish and wildlife habitat conservation areas do not include artificial water
1112 carrying features or constructs such as irrigation delivery systems, irrigation
1113 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and
1114 are maintained by, a port district or an irrigation district or company.

1115 SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby
1116 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

1117 SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby
1118 amended to read as follows:

1119 ~~((Habitat, f))~~ Fish habitat: habitat that is used by native fish species, including
1120 anadromous or resident salmonids, at any life stage at any time of the year ~~((including~~
1121 ~~potential habitat likely to be used by anadromous or resident salmonids))~~. "Fish habitat"
1122 includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal
1123 channels, and potential habitat that is upstream ~~((of,))~~ or landward of ~~((;))~~ human-made
1124 barriers that could be accessible to ~~((, and))~~ or ~~((could be))~~ used by ~~((;))~~ fish upon removal
1125 of the barriers. ~~((This includes off channel habitat, flood refuges, tidal flats, tidal~~
1126 ~~channels, streams and wetlands.))~~

1127 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter
1128 21A.06 a new section to read as follows:

1129 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or
1130 other geological events. Areas classified as geologically hazardous areas include:

- 1131 A. Alluvial fan hazard areas;
1132 B. Channel migration zones;
1133 C. Coal mine hazard areas;

1134 D. Erosion hazard areas;

1135 E. Landslide hazard areas;

1136 F. Seismic hazard areas;

1137 G. Steep slope hazard areas;

1138 H. Tsunami hazard areas; and

1139 I. Volcanic hazard areas.

1140 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter

1141 21A.06 a new section to read as follows:

1142 Geological professional: a geotechnical engineer or geologist, licensed in
1143 Washington state and experienced in analyzing geologic, hydrologic, and groundwater
1144 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1145 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter

1146 21A.06 a new section to read as follows:

1147 Grazing area buffer: a designated area contiguous to a wetland or aquatic area
1148 from which livestock are excluded.

1149 SECTION 30. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby
1150 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1151 SECTION 31. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are
1152 hereby amended to read as follows:

1153 ~~((Tree, hazard))~~ Hazard tree: any tree with a structural defect, combination of
1154 defects or disease resulting in structural defect that, under the normal range of
1155 environmental conditions at the site, will result in the loss of a major structural
1156 component of that tree in a manner that will:

1157 A. Damage a ~~((residential structure))~~ building, ~~((or))~~ accessory structure, or
1158 parking for a residential use, place of employment, ~~((or))~~ public assembly ~~((or approved~~
1159 ~~parking for a residential structure or accessory structure or place of employment or public~~
1160 ~~assembly))~~;

1161 B. Damage a ~~((n-approved))~~ road or utility facility; or

1162 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1163 SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C.
1164 21A.06.680 are hereby amended to read as follows:

1165 Landslide hazard area: an area subject to severe risk of landslide, such as:

1166 A. An area with a combination of:

1167 1. Slopes steeper than fifteen percent of inclination;

1168 2. Impermeable soils, such as silt and clay, frequently interbedded with granular
1169 soils, such as sand and gravel; and

1170 3. Springs or ground water seepage;

1171 B. An area that has shown movement during the Holocene epoch, which is from
1172 ten thousand years ago to the present, or that is underlain by mass wastage debris from
1173 that epoch;

1174 C. Any area potentially unstable as a result of rapid stream incision, stream bank
1175 erosion or undercutting by wave action;

1176 D. An area that shows evidence of or is at risk from snow avalanches; or

1177 E. An area located on an alluvial fan ~~((, presently or potentially subject to))~~ that is
1178 susceptible to episodic inundation ~~((by debris flows or deposition of stream-transported~~
1179 ~~sediments))~~ sedimentation, and erosional impacts.

1180 SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C.

1181 21A.06.750 are hereby amended to read as follows:

1182 Mitigation: an action taken to compensate for ~~((adverse))~~ unavoidable impacts to
1183 the environment resulting from a development activity or alteration after avoidance and
1184 mitigation sequencing is applied.

1185 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter
1186 21A.06 a new section to read as follows:

1187 Notice of map amendment:

1188 A. A letter issued by the department of natural resources and parks indicating that
1189 the classification of a critical area has been changed on one of the following critical areas
1190 maps adopted by ordinance or public rule:

- 1191 1. Critical aquifer recharge areas;
1192 2. Wildlife habitat networks;
1193 3. Channel migration zones; or
1194 4. Flood hazard areas.

1195 B. The notice of map amendment may indicate that an area has been reclassified,
1196 declassified, or newly classified as a critical area.

1197 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter
1198 21A.06 a new section to read as follows:

1199 Revegetation: the reestablishment of vegetation within an area that is well suited to
1200 thrive in the area.

1201 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter
1202 21A.06 a new section to read as follows:

1203 Riparian area: a designated area contiguous to an aquatic area that provides fish and
1204 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects
1205 water quality. Riparian areas protect the functions and values of aquatic areas and reduce
1206 impacts from adjacent land uses through various physical, chemical, or biological processes.

1207 SECTION 37. Ordinance 10870, Section 243, as amended, and K.C.C.

1208 21A.06.1015 are hereby amended to read as follows:

1209 Salmonid: a fish native to the Puget Sound region that is a member of the fish
1210 family Salmonidae, including(~~(, but not limited to)~~):

1211 A. Chinook, coho, chum, sockeye, and pink salmon;

1212 B. Rainbow, steelhead, and cutthroat (~~((salmon, which are also known as))~~) trout;

1213 C. (~~Brown trout;~~

1214 ~~D. Brook, b))~~Bull trout, which is (~~((also known as))~~) a type of char, and Dolly

1215 Varden char;

1216 (~~(E.)~~) D. Kokanee; (~~(and~~

1217 ~~E.)~~) E. Pygmy whitefish; and

1218 F. Mountain whitefish.

1219 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter

1220 21A.06 a new section to read as follows:

1221 Special flood hazard area or area of special flood hazard: the land subject to

1222 inundation by the base flood. Special flood hazard areas ("SFHA") are designated on

1223 flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and

1224 VE.

1225 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter
1226 21A.06 a new section to read as follows:

1227 Species of local importance: a species designated in the Comprehensive Plan to be
1228 of local concern due to their population status, sensitivity to habitat alteration, or that is a
1229 game species.

1230 SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C.
1231 21A.06.1240 are hereby amended to read as follows:

1232 Stream: an aquatic area where surface water produces a channel, not including a
1233 wholly artificial channel((;)) unless ((#)) the artificial channel is:

1234 A. Used by ((salmonids)) fish; or

1235 B. Used to convey a stream or wetland that occurred naturally before
1236 construction of the artificial channel.

1237 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter
1238 21A.06 a new section to read as follows:

1239 Tsunami hazard area: a geologically hazardous area susceptible to flooding,
1240 inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but
1241 not limited to, tsunami hazard areas shown on the Washington Geological Survey Digital
1242 Data Series 22, version 2.1, October 2024, and V1-V30, VE, or V zones shown on the Flood
1243 Insurance Rate Maps.

1244 SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C.
1245 21A.06.1370 are hereby amended to read as follows:

1246 Volcanic hazard area: ((an)) a geologically hazardous area subject to pyroclastic
1247 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,

or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

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

Wetland:

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

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

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

1. Surface water conveyances for drainage or irrigation;
2. Grass-lined swales;
3. Canals;
4. Detention facilities such as flow control facilities or wetponds;
5. Wastewater treatment facilities;
6. Farm ponds;
7. Landscape amenities; or

~~((9-))~~ 8. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

1270 SECTION 44. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are
1271 hereby amended to read as follows:

1272 Wetland functions: ~~((natural processes performed by wetlands including~~
1273 ~~functions which are important in facilitating food chain production, providing habitat for~~
1274 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~
1275 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~
1276 ~~aquifers and moderating surface and storm water flows, as well as performing other~~
1277 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~
1278 physical, biological, chemical, and geologic interactions among different components of
1279 the environment that occur within a wetland. Wetland functions include, but are not
1280 limited to, functions that improve water quality, functions that change the water regime in
1281 a watershed such as flood storage, and functions that provide habitat for plants and
1282 animals.

1283 NEW SECTION. SECTION 45. There is hereby added to K.C.C. chapter
1284 21A.06 a new section to read as follows:

1285 Wetland values: estimates of the worth, merit, quality, or importance of wetland
1286 processes, characteristics, or attributes that are considered to benefit society. Values vary
1287 by watershed or by community. Examples of wetland values include education, research,
1288 aesthetics, and recreation.

1289 NEW SECTION. SECTION 46. There is hereby added to K.C.C. chapter
1290 21A.06 a new section to read as follows:

1291 Wildlife lighting: exterior lighting designed and installed to reduce impacts to
1292 wildlife.

1293 SECTION 47. Ordinance 10870, Section 448, as amended, and K.C.C.

1294 21A.24.010 are hereby amended to read as follows:

1295 The purpose of this chapter is to implement the goals and policies of the Growth
1296 Management Act, chapter 36.70A RCW, Washington state Environmental Policy Act,
1297 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for
1298 protection of the natural environment and the public health and safety by:

1299 A. Establishing development and alteration standards to protect functions and
1300 values of critical areas;

1301 B. Protecting members of the general public and public resources and facilities
1302 from injury, loss of life, property damage, or financial loss due to flooding, erosion,
1303 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil
1304 subsidence, or steep slope failures;

1305 C. Protecting unique, fragile, and valuable elements of the environment,
1306 including, but not limited to, fish and wildlife and their habitats, and maintaining and
1307 promoting countywide native biodiversity;

1308 D. Requiring avoidance and mitigation sequencing, including mitigation of
1309 ~~((unavoidable))~~ impacts to critical areas~~((, by regulating alterations in or near critical~~
1310 ~~areas))~~ and associated buffers;

1311 E. Preventing cumulative adverse environmental impacts on water availability,
1312 water quality, ground~~((-))~~water, wetlands, and aquatic areas;

1313 F. Measuring the quantity and quality of wetland and aquatic area resources and
1314 ~~((preventing overall))~~ ensuring no net loss of wetland, ~~((and))~~ aquatic area, and riparian
1315 area functions and values;

1316 G. Protecting the public trust as to navigable waters, aquatic resources, and fish
1317 and wildlife and their habitat;

1318 H. Meeting the requirements of the National Flood Insurance Program and
1319 maintaining King County as an eligible community for federal flood insurance benefits;

1320 I. Alerting members of the public including, but not limited to, appraisers,
1321 owners, potential buyers, or lessees to the development limitations of critical areas;

1322 J. Providing county officials with sufficient information ~~((to protect))~~ at the time
1323 of permit application submittal to determine whether proposed land uses, activities, or
1324 development could negatively impact critical areas; and

1325 K. Providing clear and objective development standards, application
1326 requirements, and review processes for the administration of critical areas protection.

1327 SECTION 48. Ordinance 10870, Section 449, as amended, and K.C.C.
1328 21A.24.020 are hereby amended to read as follows:

1329 A. This chapter applies to all land uses and alterations in King County, and all
1330 persons within the county shall comply with this chapter.

1331 B. King County shall not approve any permit or otherwise issue any authorization
1332 to alter the condition of any land, water, or vegetation or to construct or alter any
1333 structure or improvement without first ensuring compliance with this chapter.

1334 C. Approval of a development proposal in accordance with this chapter does not
1335 discharge the obligation of the applicant to comply with this chapter.

1336 D. When ~~((any other chapter))~~ another provision of the King County Code
1337 conflicts with this chapter or when the provisions of this chapter are in conflict, the
1338 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~

critical areas shall apply unless specifically provided otherwise in this chapter or unless the provision conflicts with federal or state laws or regulations.

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

SECTION 49. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are hereby amended to read as follows:

A. ~~((Within the following seven critical areas and their buffers a))~~ All alterations
~~((are allowed if the alteration complies))~~ that comply with the development standards,
~~((impact))~~ avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable
requirements ~~((established))~~ in this chapter are allowed within the following critical areas
and their buffers:

1. Critical aquifer recharge areas;
2. Coal mine hazard areas;
3. Erosion hazard areas;
4. Flood hazard areas except in the severe channel migration hazard areas;
5. Landslide hazard areas under forty percent slope;
6. Moderate channel migration hazard area;
7. Seismic hazard areas; ~~((and~~
- 7.)) 8. Tsunami hazard areas; and
9. Volcanic hazard areas.

B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the table in subsection C. of this section are allowed if the alteration complies with

conditions in subsection D. of this section, ~~((and))~~ the development standards, ~~((impact))~~ avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable requirements established in this chapter:

1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;
2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;
3. ~~((Steep slope hazard area))~~ Landslide hazard areas over forty percent slope;
4. ~~((Wetland))~~ Riparian areas;
5. ~~((Aquatic area))~~ Severe channel migration hazard areas;
6. ~~((Wildlife habitat conservation area; and))~~ Steep slope hazard areas;
7. ~~((Wildlife habitat network))~~ Wetlands;
8. Wildlife habitat conservation areas; and
9. Wildlife habitat networks.

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

1. If a cell is blank, the alteration is prohibited in the given critical area;
2. An "A" in a cell indicates that an alteration is allowed if the listed conditions and any applicable requirements in this chapter are met;
3. A number in a cell indicates that the numbered condition in subsection D. of this section applies;
4. Where a series of numbers separated by commas are in a cell, each of the applicable numbered conditions for that alteration applies;
5. Where more than one letter-number combination appears in a cell, the conditions of at least one letter-number combination shall be met;

1385 6. In cases where an ((activity)) alteration is included in more than one
 1386 ((activity)) category, ((the numbered conditions applicable to)) the most specific
 1387 description of the ((activity)) alteration shall govern((s. Where more than one numbered
 1388 condition appears for a listed activity, each of the relevant conditions specified for that
 1389 activity within the given critical area applies.)); and
 1390 7. For alterations involving more than one critical area, compliance with the
 1391 conditions applicable to each critical area is required.

((A= alteration Alteration is allowed. Numbers indicate applicable development condition in subsection D. of this section.))	Landslide Hazard Areas Over 40%, Steep Slope Hazard Areas, and Buffers	<u>Alluvial Fan Hazard Areas</u>	((Steep Slope Hazard and Buffer)) Severe Channel Migration Hazard Area	Wetland and Buffer	Aquatic Areas ((and Buffer)) , Riparian Areas ((and Severe Channel Migration))	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks
Structures						
Construction of new single detached dwelling unit				A 1	((A-2))	
Construction of a new tree-supported structure				A ((64)) 2	A ((64)) 2	A ((64)) 2
((Construction of nonresidential structure))				((A-3))	((A-3))	((A-3, 4))

Maintenance or repair of existing structure	A 5	<u>A 6</u>	A <u>6</u>	A	A	A 4
Expansion ((or replacement)) of existing structure	((A 5, 7))	<u>A 6</u>	A ((5, 7)) <u>6</u>	A 7 ((, 8))	A ((6, 7)) <u>7</u> ((, 8))	A 4, 7
<u>Replacement of existing structure</u>	<u>A 5</u>			<u>A 8</u>	<u>A 8</u>	<u>A 4, 8</u>
Interior remodeling	A	<u>A</u>	A	A	A	A
Construction of new dock or pier				A 9	A ((9, 10)) <u>10</u> ((, 11))	
Maintenance, repair or replacement of dock or pier				A ((12)) <u>2</u>	A 10 ((, 14))	A 4
Grading						
Grading	<u>A 13</u> <u>A 14</u>	<u>A 14</u>	A ((13)) <u>14</u>	<u>A 14</u>	A 14	A 4, 14
Construction of new slope stabilization	A 15, <u>16</u>	<u>A 15, 16</u>	A 15, <u>16</u>	A 15, <u>16</u>	A 15, <u>16</u>	A 4, 15, <u>16</u>
Maintenance of existing slope stabilization	A <u>15, 16</u>	<u>A 15, 16</u>	A ((13)) <u>16, 17</u>	A <u>16, 17</u>	A 16, 17	A 4
Mineral extraction	A		((A))			
Clearing						
Clearing	A 18	<u>A 18</u>	A 18, <u>20</u>	A 18, 20	A ((14, 18, 20))	A 4, ((14, 18, 20))
Cutting firewood	<u>A 21</u>	<u>A 21</u>	((A 21))	((A 21))	((A 21))	A 4, 21
<u>Vegetation removal with a</u>	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19

<u>vegetation management plan</u>						
((Removal of vegetation for fire safety)) <u>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>57</u>	<u>A 57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A 4, ((23)) <u>57</u>
Forest Practices						
Forest management activity	A	<u>A</u>	A	A	A	A 25
Roads						
<u>Construction of new road within unimproved right-of-way</u>						
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)) <u>land division</u>				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 right-of way structure	A	<u>A 26</u>	<u>A 26</u>	A 26	A 26	
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	A 28	<u>A 14,</u>	A 28	A 28	A 28	A 28

private access road		<u>28</u>				
((Construction of farm field access drive))	((A 29))		((A 29))	((A 29))	((A 29))	((A 29))
Maintenance of driveway, private access road, ((farm field access drive)) or parking lot	A	<u>A 17</u>	A <u>17</u>	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 14, 39</u>	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	<u>A 16, 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, 39</u>	A 16, 39	A 16, 39	A <u>16, 39</u>	A 4, 16, 39
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16, <u>30</u>	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	<u>A 16, 17, 31</u>	A 16, 17, 31	A 16, 17, 31	A <u>16, 17, 31</u>	A ((4)) <u>27</u>
Utilities and other infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	<u>A 32, 33, 34</u>	A 32, ((33)) <u>34</u>	A 32, 34	A 32, 34	A <u>4</u> , ((27,)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) <u>generation</u>	A 67	<u>A 66, 67</u>	A ((67)) <u>66</u>	A 66	A 66	A 4, 66

facility						
Construction of a new residential utility service distribution line	A 32, 33	<u>A 29, 32, 33</u>	A <u>29</u> , 32((33))	A <u>29</u> , 32((60))	A <u>29</u> , 32((60))	A 27, <u>29</u> , 32((60))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	<u>A 32, 33</u>	A 32, ((33)), <u>34, 36</u>	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((A-24))		((A-24))	A 63	A 63	
Maintenance or repair of existing well	A 37	<u>A 37</u>	A 37	A 37	A 37	A 4, 37
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A <u>24</u>	<u>A 24, 37</u>	A <u>24, 37</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)) <u>38</u>	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>16, 32, ((33)) 38, 40, 41</u>	A 16, 32, 38	A 16, <u>32, 38, 40, 41</u>	A 4, <u>32, 37</u>
Construction of new surface		<u>A 32</u>	<u>A 32</u>	A 32	A 32	A 4, 32

water flow control or surface water quality treatment facility						
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>	<u>A 42</u>	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	<u>A 33, 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, <u>44, 45</u>	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((46))	<u>A</u>	A	A	A	A 4
Recreation						
Construction of new trail	A 46	<u>A 46</u>	A ((46)) <u>47</u>	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	<u>A 49</u>	A 49	A 49	A 49	A 4, 49

Scientific sampling for salmonids		<u>A 50</u>	<u>A 50</u>	A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for <u>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
<u>((Agriculture)) Agricultural Activities</u>						
Horticulture activity including tilling, disking, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	<u>A 53</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	<u>A 53</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			<u>A 53, 54</u>	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			<u>A 55</u>	A ((53 , 54),) 55	A ((53 , 54),) 55((56))	A ((53 , 54),) <u>55</u>
Construction of a livestock heavy use area			<u>A 55</u>	A ((53 , 54),) 55	A ((53 , 54),) 55((56))	A ((53 , 54),) <u>55</u>
Construction or maintenance of a farm pad			<u>A 55</u>	A ((56))	A ((56)) <u>55</u>	

				<u>55</u>		
Construction of agricultural drainage			<u>A 56</u>	A ((57)) <u>56</u>	A ((57)) <u>56</u>	A 4((57)) <u>56</u>
Maintenance or replacement of <u>existing</u> agricultural drainage	A ((23, 58)) <u>57</u>	<u>A 57</u>	A ((23, 58)) <u>57</u>	A ((23, 53, 54, 58)) <u>57</u>	A ((23, 53, 54, 58)) <u>57</u>	A 4, ((23, 53, 54, 58)) <u>57</u>
Maintenance of agricultural waterway		<u>A 58</u>	<u>A 58</u>	A ((69)) <u>58</u>	A ((69)) <u>58</u>	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((A 53))	<u>A 53, 54</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
<u>Construction or expansion of farm field access drive</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>
<u>Construction of nonresidential farm structure</u>		<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 4, 60</u>
Other						
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,	A ((59))	<u>A 64</u>	A ((59))	A	A ((59))	A ((59))

landscaping, or garden for personal consumption	<u>64</u>		<u>64</u>	((59)) <u>64</u>	<u>64</u>	<u>64</u>
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1392 D. The following alteration conditions apply:

1393 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1394 limitations of subsection D.3. of this section.

1395 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
1396 was created before January 1, 2005, if:~~

1397 ~~a. at least seventy five percent of the lots abutting the shoreline of the lake or
1398 seventy five percent of the lake frontage, whichever constitutes the most developable
1399 lake frontage, has existing density of four dwelling units per acre or more;~~

1400 ~~b. the development proposal, including mitigation required by this chapter, will
1401 have the least adverse impact on the critical area;~~

1402 ~~c. existing native vegetation within the critical area buffer will remain
1403 undisturbed except as necessary to accommodate the development proposal and required
1404 building setbacks;~~

1405 ~~d. access is located to have the least adverse impact on the critical area and
1406 critical area buffer;~~

1407 ~~e. the site alteration is the minimum necessary to accommodate the
1408 development proposal and in no case in excess of five thousand square feet;~~

1409 ~~f. the alteration is no closer than:~~

1410 ~~(1) on a site with a shoreline environment designation of high intensity or
1411 residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~

~~on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;~~

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

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

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

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

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

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

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

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

1434 e. all construction materials for the structure, including the platform, pilings,
1435 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as
1436 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
1437 fiberglass, or cured concrete that the department determines will not have an impact on
1438 water quality;

1439 f. to the maximum extent practical, the exterior of the structure shall be
1440 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
1441 and visibility from the critical area. The camouflage shall be maintained to retain
1442 concealment effectiveness;

1443 g. the structure shall not adversely impact the long-term health and viability of
1444 the tree. The evaluation shall include, but not be limited to, the following:

1445 (1) the quantity of supporting anchors and connection points to attach the tree
1446 house to the tree shall be the minimum necessary to adequately support the structure;

1447 (2) the attachments shall be constructed using the best available tree anchor
1448 bolt technology; and

1449 (3) an International Society of Arboriculture Certified Arborist shall evaluate
1450 the tree proposed for placement of the tree house and shall submit a report discussing
1451 how the tree's long-term health and viability will not be negatively impacted by the tree
1452 house or associated infrastructure;

1453 h. exterior lighting shall meet the following criteria:

1454 (1) limited to the minimum quantity of lights necessary to meet the building
1455 code requirements to allow for safe exiting of the structure and stairway; and

1456 (2) exterior lights shall be fully shielded and shall direct light downward, in
1457 an attempt to minimize impacts to the nighttime environment;

1458 i. unless otherwise approved by the department, all external construction shall
1459 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
1460 species during typical breeding, nesting, and rearing seasons;

1461 j. trail access to the structure shall be designed in accordance with trail
1462 standards under subsection D.47. of this section;

1463 k. to the maximum extent practical, existing native vegetation shall be left
1464 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1465 l. vegetated areas within the critical area buffer or riparian area that are
1466 temporarily impacted by construction of the structure shall be restored by planting native
1467 vegetation or climate-adaptive plants according to an approved mitigation plan.

1468 ~~3. ((Limited to nonresidential farm structures in grazed or tilled wet meadows,~~
1469 ~~or buffers of wetlands or aquatic areas where:~~

1470 ~~a. the site is predominantly used for the practice of agriculture;~~

1471 ~~b. the structure is in compliance with an approved farm management plan in~~
1472 ~~accordance with K.C.C. 21A.24.051;~~

1473 ~~c. the structure is either:~~

1474 ~~(1) on or adjacent to existing nonresidential impervious surface areas,~~
1475 ~~additional impervious surface area is not created waterward of any existing impervious~~
1476 ~~surface areas and the area was not used for crop production;~~

1477 ~~(2) higher in elevation and no closer to the critical area than its existing~~
1478 ~~position; or~~

- 1479 ~~(3) at a location away from existing impervious surface areas that is~~
1480 ~~determined to be the optimum site in the farm management plan;~~
- 1481 ~~d. all best management practices associated with the structure specified in the~~
1482 ~~farm management plan are installed and maintained;~~
- 1483 ~~e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not~~
1484 ~~require the development of a farm management plan if required best management~~
1485 ~~practices are followed and the installation does not require clearing of critical areas or~~
1486 ~~their buffers; and~~
- 1487 ~~f. in a severe channel migration hazard area portion of an aquatic buffer only~~
1488 ~~if:~~
- 1489 ~~(1) there is no feasible alternative location on-site;~~
- 1490 ~~(2) the structure is located where it is least subject to risk from channel~~
1491 ~~migration;~~
- 1492 ~~(3) the structure is not used to house animals or store hazardous substances;~~
1493 ~~and~~
- 1494 ~~(4) the total footprint of all accessory structures within the severe channel~~
1495 ~~migration hazard area will not exceed the greater of one thousand square feet or two~~
1496 ~~percent of the severe channel migration hazard area on the site)) Repealed.~~
- 1497 4. No clearing, grading, external construction, or other disturbance in a wildlife
1498 habitat conservation area is allowed during breeding seasons established under K.C.C.
1499 21A.24.382.
- 1500 5. Allowed for existing legally established structures when:
- 1501 a. the ~~((landslide))~~ hazard poses little ~~((or))~~ to no risk of injury; and

- 1502 b. the risk of landsliding or slope instability is low(~~(; and~~
1503 ~~e. there is not an expansion of the structure))~~.
- 1504 6. Within an alluvial fan hazard area or severe channel migration hazard area
1505 allowed for:
- 1506 a. existing legally established primary structures if:
- 1507 (1) there is not an increase of the footprint of any existing structure; and
1508 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
1509 and
- 1510 b. existing legally established accessory structures if:
- 1511 (1) additions to the footprint will not make the total footprint of all existing
1512 structures more than one((-)) thousand square feet; and
1513 (2) there is no(~~(t an~~)) expansion of the footprint towards any source of
1514 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that
1515 the location is less subject to risk and has less impact on the critical area.
- 1516 7. Allowed only (~~(in grazed wet meadows or the buffer or building setback~~
1517 ~~outside a severe channel migration hazard area))~~ if:
- 1518 a. the structure was not established as the result of an alteration exception,
1519 variance, buffer averaging, or reasonable use exception;
- 1520 b. the location of the expansion has the least impact on the critical area;
- 1521 c. the expansion is on an existing legally established impervious surface, lawn
1522 or landscaping area, farm field, or grazed area;
- 1523 d. for a nonresidential structure, the expansion (~~(or replacement)~~) does not
1524 increase the footprint of a nonresidential structure;

1525 ~~((b.(1)))~~ e. for a legally established dwelling unit or accessory structure, the
1526 expansion ~~((or replacement, including any expansion of a legally established accessory~~
1527 ~~structure allowed under this subsection B.7.b.,))~~ does not increase the footprint of the
1528 dwelling unit and all other structures by more than one thousand square feet,
1529 cumulatively since January 1, 2005. The footprint limitation does not ~~((including))~~
1530 include any expansion of a drainfield made necessary by the expansion of the dwelling
1531 unit. To the maximum extent practical, the ~~((replacement or))~~ expansion of a drainfield
1532 in the buffer should be located within areas of existing lawn or landscaping, unless
1533 another location will have a lesser impact on the critical area and ~~((its))~~ associated buffer;

1534 ~~((2) for a structure accessory to a dwelling unit, the expansion or~~
1535 ~~replacement is located on or adjacent to existing impervious surface areas and does not~~
1536 ~~result in a cumulative increase in the footprint of the accessory structure and the dwelling~~
1537 ~~unit by more than one thousand square feet;~~

1538 ~~(3) the location of the expansion has the least adverse impact on the critical~~
1539 ~~area; and~~

1540 ~~(4) a comparable area of degraded buffer area shall be enhanced through~~
1541 ~~removal of nonnative plants and replacement with native vegetation in accordance with~~
1542 ~~an approved landscaping plan;~~

1543 ~~e. the structure was not established as the result of an alteration exception,~~
1544 ~~variance, buffer averaging or reasonable use exception;~~

1545 ~~d. to the maximum extent practical, the expansion or replacement is not~~
1546 ~~located closer to the critical area or within the relic of a channel that can be connected to~~
1547 ~~an aquatic area; and~~

e. ~~The expansion of a residential structure in the buffer of a Type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:~~
~~(1) the expansion is within thirty-five feet of the ordinary high water mark; or~~
~~(2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet)).~~

8. ~~Allowed ((upon another portion of an existing impervious surface outside a severe channel migration hazard area))~~ only if:

a. ~~((except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area))~~ the location of the replacement is within the footprint of the existing structure or has the least impact on the critical area;

b. ~~((except as otherwise allowed under subsection D.7. of this section, the existing))~~ the total footprint of all structures and impervious surfaces within the critical area or associated buffer is not expanded; ((and))

c. the replacement is on an existing legally established impervious surface, lawn or landscaping area, farm field, or grazed area; and

d. the ((degraded buffer area is enhanced through removal of nonnative plants and replacement)) footprint of an existing structure at an alternative location is revegetated with native vegetation or climate-adaptive plants in accordance with an approved ((landscaping)) mitigation plan.

9. ~~((Limited to piers or seasonal floating docks))~~ Allowed in a category II, III, or IV wetland or ~~((its))~~ associated buffer ~~((or along a lake shoreline or its buffer where))~~ to access an aquatic area if:

1571 a. the vegetation where the alteration is proposed does not consist of dominant
1572 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
1573 of this vegetation is not the result of any violation of law;

1574 b. the wetland or ~~((lake-shoreline))~~ aquatic area is not a salmonid spawning
1575 area; and

1576 c. hazardous substances or toxic materials are not used~~((; and~~

1577 ~~d. if located in a freshwater lake, the pier or dock conforms to the standards for~~
1578 ~~docks under K.C.C. 21A.25.180)).~~

1579 10. Allowed ~~((on type N or O aquatic areas))~~ if:

1580 a. hazardous substances or toxic materials are not used;

1581 b. the aquatic area is not a salmonid spawning area; and

1582 c. on type S or F aquatic areas, complies if in compliance with K.C.C.
1583 21A.25.180.

1584 11. ~~((Allowed on type S or F aquatic areas outside of the severe channel~~
1585 ~~migration hazard area if in compliance with K.C.C. 21A.25.180))~~ Repealed.

1586 12. ~~((When located on a lake, must be in compliance with K.C.C. 21A.25.180))~~
1587 Repealed.

1588 13. Limited to steep slope hazard areas and associated buffers only, for the
1589 purposes of regrading and stabilizing of a slope formed as a result of a legal grading
1590 activity.

1591 14. ~~((The following are allowed in the severe channel migration hazard area if~~
1592 ~~conducted more than one hundred sixty five feet from the ordinary high water mark in~~

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

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

~~b. clearing of up to one thousand square feet or up to a cumulative thirty five percent of the severe channel migration hazard area.))~~ Allowed for emergency work in

alluvial fan hazard area and overlapping critical areas if:

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

deposition;

b. to prevent an imminent threat to:

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

(2) sole access driveways and roads;

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

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

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

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

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

1614 f. proposed in-stream work is minimized or results in the least impact in the
1615 short term to the ecological functions and values of the critical areas present, including
1616 special consideration for fish or fish eggs in the project area;

1617 g. downstream sediment runoff and turbidity is minimized and does not exceed
1618 the impact of the emergency event;

1619 h. the applicant provides sufficient notice of work to the department for a
1620 department representative to be present at the site during work activities, if the
1621 department determines that observation is necessary;

1622 i. as part of the permitting process following the emergency authorization, the
1623 applicant proposes compensatory mitigation and additional alterations as necessary to:

1624 (1) mitigate any adverse ecological impacts of the emergency actions;

1625 (2) minimize the risk of alluvial fan hazards that could result in the necessity
1626 of future emergency actions to the maximum extent practical; and

1627 (3) minimize to the maximum extent practical the frequency and magnitude
1628 of future adverse ecological impacts that may result from future hazard mitigation
1629 activities; and

1630 j. nonemergency work required under the subsequent permit occurs during
1631 approved periods for in-stream work and conforms to all other standards in this chapter.

1632 15. Only where erosion or landsliding threatens a primary structure, utility
1633 facility, roadway, driveway, or public trails, ~~((aquatic area or wetland if,))~~ and to the
1634 maximum extent practical, stabilization work does not disturb the slope and its vegetative
1635 cover and any associated critical areas.

1636 16. Allowed ~~((when))~~ for projects performed by~~((;))~~ or at the direction of ~~((or~~
1637 ~~authorized by))~~ a government agency in accordance with regional road construction and
1638 maintenance guidelines.

1639 17. Allowed ~~((when))~~ for projects not performed under the direction of a
1640 government agency only if:

1641 a. the maintenance or expansion does not involve the use of herbicides,
1642 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian
1643 areas, wetlands, or ~~((their))~~ associated buffers; and

1644 b. when maintenance, expansion, or replacement of bridges or culverts
1645 involves water used by salmonids:

1646 (1) the work ~~((is in compliance))~~ complies with ditch standards in public rule;
1647 and

1648 (2) the maintenance of culverts is limited to removal of sediment and debris
1649 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
1650 damaged bank or channel immediately adjacent to the culvert and shall not involve the
1651 excavation of a new sediment trap adjacent to the inlet.

1652 18. Allowed for the removal of hazard trees and vegetation as necessary for
1653 surveying or testing purposes.

1654 19. The limited trimming, pruning, or removal of vegetation under a vegetation
1655 management plan approved by the department:

1656 a. in steep slope and landslide hazard areas, for the making and maintenance of
1657 view corridors; and

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

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

21. ~~((Cutting of firewood is subject to the following:~~

~~a. within))~~ Allowed only for personal use in a buffer or wildlife habitat
~~((conservation area, cutting firewood is not allowed;))~~ network if:

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

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

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

~~e. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan)).~~

22. ~~((Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal))~~ Not allowed in wetlands, aquatic areas,

wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated

buffers within the wildland urban interface if limited to the activities listed in K.C.C.

16.82.051.E.23.

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

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

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

1681 ~~(1) removal is undertaken with hand labor, including hand-held mechanical~~
1682 ~~tools, unless the King County noxious weed control board otherwise prescribes the use of~~
1683 ~~riding mowers, light mechanical cultivating equipment, or herbicides or biological~~
1684 ~~control methods;~~

1685 ~~(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~

1686 ~~(3) the cleared area is revegetated with native vegetation and stabilized~~
1687 ~~against erosion; and~~

1688 ~~(4) herbicide use is in accordance with federal and state law;))~~ Repealed.

1689 24. Allowed to repair or replace existing on-site wastewater disposal systems in
1690 accordance with the applicable public health standards within Marine Recovery Areas
1691 adopted by ~~((the P))~~public ~~((H))~~health - Seattle & King County and:

1692 a. there is no alternative location available with less impact on the critical area;

1693 b. ~~((impacts to the critical area are minimized to the maximum extent~~
1694 ~~practicable;~~

1695 ~~e.))~~ the alterations will not subject the critical area to increased risk of
1696 landslide or erosion;

1697 ~~((d.))~~ c. vegetation removal is the minimum necessary to accommodate the
1698 septic system; and

1699 ~~((e.))~~ d. significant risk of personal injury is eliminated or minimized in the
1700 landslide hazard area.

1701 25. Only if in compliance with published Washington state Department of Fish
1702 and Wildlife and Washington state Department of Natural Resources ~~((M))~~management
1703 standards for the species. If there are no published Washington state standards, only if in

1704 compliance with management standards determined by the county to be consistent with
1705 best available science.

1706 26. Allowed only if:

1707 a. there is ~~((not another))~~ no other feasible location with less ~~((adverse))~~ impact
1708 on the critical area and ~~((its))~~ associated buffer;

1709 b. the ~~((corridor))~~ road is not located over habitat used for salmonid rearing or
1710 spawning or by a species listed as endangered or threatened by the state or federal
1711 government unless the department determines that there is no other feasible crossing
1712 site~~((:))~~;

1713 c. the ~~((corridor))~~ width is minimized to the maximum extent practical;

1714 d. the construction occurs during approved periods for instream work;

1715 e. the ~~((corridor))~~ alteration will not change or diminish the overall aquatic
1716 area flow peaks, duration, or volume or the flood storage capacity; and

1717 f. no new ~~((public right-of-way is))~~ roads are established within a severe
1718 channel migration hazard area.

1719 27. To the maximum extent practical, during breeding season established under
1720 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy
1721 equipment are not operated within a wildlife habitat conservation area.

1722 28. Allowed only if:

1723 a. an alternative access is not available;

1724 b. impact to the critical area is minimized to the maximum extent practical
1725 including the use of walls to limit the amount of cut and fill necessary;

1726 c. the risk associated with landslide and erosion is minimized;

- 1727 d. access is located where it is least subject to risk from channel migration; and
- 1728 e. construction occurs during approved periods for instream work.
- 1729 29. (~~Only if in compliance with a farm management plan in accordance with~~
- 1730 ~~K.C.C. 21A.24.051.~~) Allowed for residential utility service distribution lines to
- 1731 residential dwellings, including, but not limited to, well water conveyance, septic system
- 1732 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:
- 1733 a. there is no alternative location with less impact on the critical area or the
- 1734 critical area buffer;
- 1735 b. the residential utility service distribution lines meet (~~all of~~) the following,
- 1736 to the maximum extent practical:
- 1737 (1) are not located over habitat used for salmonid rearing or spawning or by a
- 1738 species listed as endangered or threatened by the state or federal government unless the
- 1739 department determines that there is no other feasible crossing site;
- 1740 (2) not located over a type S aquatic area;
- 1741 (3) paralleling the channel or following a down-valley route near the channel
- 1742 is avoided;
- 1743 (4) the width of clearing is minimized;
- 1744 (5) the removal of trees greater than twelve inches diameter at breast height is
- 1745 minimized;
- 1746 (6) an additional, contiguous, and undisturbed critical area buffer, equal in
- 1747 area to the disturbed critical area buffer area is provided to protect the critical area;
- 1748 (7) access for maintenance is at limited access points into the critical area
- 1749 buffer.

1750 (8) the construction occurs during approved periods for instream work;
1751 (9) bored, drilled, or other trenchless crossings are encouraged, and shall be
1752 laterally constructed at least four feet below the maximum depth of scour for the base
1753 flood; and

1754 (10) open trenching across Type O or Type N aquatic areas is only used
1755 during low flow periods or only within aquatic areas when they are dry.

1756 30. Allowed only if:

1757 a. the new construction or replacement is made fish passable in accordance
1758 with the most recent Washington state Department of Fish and Wildlife manuals or with
1759 the National Marine and Fisheries Services guidelines for federally listed salmonid
1760 species; and

1761 b. the site is ~~((restored))~~ revegetated with ~~((appropriate))~~ native vegetation or
1762 climate-adaptive plants in accordance with an approved mitigation plan.

1763 31. Allowed if necessary to bring the bridge or culvert up to current standards
1764 and if:

1765 a. there is no~~((t-an))~~ other feasible alternative available with less impact on the
1766 aquatic area and ~~((its buffer))~~ adjacent riparian area; and

1767 b. to the maximum extent practical, the bridge or culvert is located to minimize
1768 impacts to the aquatic area and ~~((its buffers))~~ adjacent riparian area.

1769 32. Allowed in an existing roadway if conducted consistent with the regional
1770 road maintenance guidelines.

1771 33. ~~((Allowed))~~ When outside the roadway, allowed if:

- 1772 a. the alterations will not subject the critical area to an increased risk ~~((of))~~
1773 from landslide, alluvial fan, or erosion hazards;
- 1774 b. vegetation removal is the minimum necessary to locate the utility or
1775 construct the corridor; and
- 1776 c. significant risk of personal injury is eliminated or minimized in the landslide
1777 or alluvial fan hazard area.
- 1778 34. Limited to the pipelines, cables, wires, and support structures of utility
1779 facilities within utility corridors if:
- 1780 a. there is no alternative location with less ~~((adverse))~~ impact on the critical
1781 area and critical area buffer;
- 1782 b. new utility corridors meet ~~((all of))~~ the following to the maximum extent
1783 practical:
- 1784 (1) are not located over habitat used for salmonid rearing or spawning or by a
1785 species listed as endangered or threatened by the state or federal government unless the
1786 department determines that there is no other feasible crossing site;
- 1787 (2) the mean annual flow rate is less than twenty cubic feet per second; and
1788 (3) paralleling the channel or following a down-valley route near the channel
1789 is avoided;
- 1790 c. to the maximum extent practical utility corridors are located so that:
- 1791 (1) the width is the minimized;
- 1792 (2) the removal of trees greater than twelve inches diameter at breast height is
1793 minimized;

1794 (3) an additional, contiguous, and undisturbed critical area buffer, equal in
1795 area to the disturbed critical area buffer area including any allowed maintenance roads, is
1796 provided to protect the critical area;

1797 d. to the maximum extent practical, access for maintenance is at limited access
1798 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
1799 maintenance road is necessary, the following standards are met:

1800 (1) to the maximum extent practical, the width of the maintenance road is
1801 minimized and in no event greater than fifteen feet; and

1802 (2) the location of the maintenance road is contiguous to the utility corridor
1803 on the side of the utility corridor farthest from the critical area;

1804 e. the utility corridor or facility will not adversely impact the overall critical
1805 area hydrology or diminish flood storage capacity;

1806 f. the construction occurs during approved periods for instream work;

1807 g. the utility corridor serves multiple purposes and properties to the maximum
1808 extent practical;

1809 h. bridges or other construction techniques that do not disturb the critical areas
1810 are used to the maximum extent practical;

1811 i. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed at
1812 least four feet below the maximum depth of scour for the base flood;

1813 j. bridge piers or abutments for bridge crossing are not placed within the
1814 FEMA floodway or the ordinary high water mark;

1815 k. open trenching is only used during low flow periods or only within aquatic
1816 areas when they are dry. The department may approve open trenching of type S or F

1817 aquatic areas only if there is not a feasible alternative and ~~((equivalent or greater))~~ equal
1818 or better environmental protection can be achieved; and

1819 1. minor communication facilities may collocate on existing utility facilities if:

1820 (1) no new transmission support structure is required; and

1821 (2) equipment cabinets are located on the transmission support structure.

1822 35. Allowed only for new utility facilities in existing utility corridors.

1823 36. Allowed for onsite private individual utility service connections or private
1824 or public utilities if the disturbed area is not expanded and no hazardous substances,
1825 pesticides or fertilizers are applied.

1826 37. Allowed if the disturbed area is not expanded, clearing is limited to the
1827 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are
1828 applied.

1829 38. Allowed if:

1830 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~
1831 riparian area, and discharging into the wetland buffer, ~~((or aquatic area buffer))~~ riparian
1832 area, or at the wetland or aquatic area edge, has less ~~((adverse))~~ impact upon the wetland
1833 ~~((or))~~, wetland buffer, aquatic area ~~((or wetland or aquatic area buffer))~~, or riparian area
1834 than if the surface water were discharged at the buffer~~((s))~~ or riparian area edge and
1835 allowed to naturally drain through the buffer or riparian area;

1836 b. the volume of discharge is minimized through application of low impact
1837 development and water quality measures identified in the ~~((King County))~~ Surface Water
1838 Design Manual;

- 1839 c. the conveyance and outfall are installed with hand equipment where
1840 feasible;
- 1841 d. the outfall shall include bioengineering techniques where feasible; and
- 1842 e. the outfall is designed to minimize ~~((adverse))~~ impacts to critical areas.
- 1843 39. Allowed only if:
- 1844 a. there is no feasible alternative with less impact on the critical area and ~~((its))~~
1845 associated buffer;
- 1846 b. to the maximum extent practical, the bridge or culvert is located to minimize
1847 impacts to the critical area and ~~((its))~~ associated buffer;
- 1848 c. the bridge or culvert is not located over habitat used for salmonid rearing or
1849 spawning unless there is no other feasible crossing site;
- 1850 d. construction occurs during approved periods for in-stream work; and
- 1851 e. bridge piers or abutments for bridge crossings are not placed within the
1852 FEMA floodway, severe channel migration hazard area₂ or waterward of the ordinary
1853 high water mark.
- 1854 40. Allowed for an open, vegetated stormwater management conveyance system
1855 and outfall structure that simulates natural conditions if:
- 1856 a. fish habitat features necessary for feeding, cover₁ and reproduction are
1857 included when appropriate;
- 1858 b. vegetation is maintained and added adjacent to all open channels and ponds,
1859 if necessary to prevent erosion, filter out sediments₂ or shade the water; and
- 1860 c. bioengineering techniques are used to the maximum extent practical.
- 1861 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

- 1862 a. necessary to avoid erosion of slopes; and
- 1863 b. bioengineering techniques are used to the maximum extent practical.
- 1864 42. Allowed in a severe channel migration hazard area, riparian area, or an
- 1865 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:
- 1866 a. if consistent with the Integrated Streambank Protection Guidelines
- 1867 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
- 1868 techniques are used to the maximum extent practical, unless the applicant demonstrates
- 1869 that other methods provide equivalent structural stabilization and environmental function;
- 1870 b. based on a critical area((s)) report, the department determines that the new
- 1871 flood protection facility will not cause ~~((significant))~~ impacts to upstream or downstream
- 1872 properties; and
- 1873 c. to prevent bank erosion for the protection of:
- 1874 (1) public roadways;
- 1875 (2) sole access routes in existence before February 16, 1995;
- 1876 (3) new primary dwelling units, accessory dwelling units, or accessory living
- 1877 quarters and residential accessory structures located outside the severe channel migration
- 1878 hazard area if:
- 1879 (a) the site is adjacent to or abutted by properties on both sides containing
- 1880 buildings or sole access routes protected by legal bank stabilization in existence before
- 1881 February 16, 1995. The buildings, sole access routes, or bank stabilization ~~((must))~~ shall
- 1882 be located no more than six hundred feet apart as measured parallel to the migrating
- 1883 channel; and

1884 (b) the new primary dwelling units, accessory dwelling units, accessory
1885 living quarters or residential accessory structures are located no closer to the aquatic area
1886 than existing primary dwelling units, accessory dwelling units, accessory living quarters,
1887 or residential accessory structures on abutting or adjacent properties; or

1888 (4) existing primary dwelling units, accessory dwelling units, accessory living
1889 quarters, or residential accessory structures if:

1890 (a) the structure was in existence before the adoption date of a King County
1891 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

1892 (b) the structure is in imminent danger, as determined by a ((geologist,
1893 ~~engineering geologist or geotechnical engineer~~)) geological professional;

1894 (c) the applicant has demonstrated that the existing structure is at risk, and
1895 the structure and supporting infrastructure cannot be relocated on the lot further from the
1896 source of channel migration; and

1897 (d) nonstructural measures are not feasible.

1898 43. Applies to ((lawfully)) legally established existing structures if:

1899 a. the height of the facility is not increased, unless the facility is being replaced
1900 in a new alignment that is landward of the previous alignment and enhances aquatic area
1901 habitat and process;

1902 b. the linear length of the facility is not increased, unless the facility is being
1903 replaced in a new alignment that is landward of the previous alignment and enhances
1904 aquatic area habitat and process;

1905 c. the footprint of the facility is not expanded waterward;

1906 d. consistent with the Integrated Streambank Protection Guidelines
1907 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
1908 techniques are used to the maximum extent practical;
1909 e. the site is restored with appropriate native vegetation or climate-adaptive
1910 plants and erosion protection materials in accordance with an approved mitigation plan;
1911 and
1912 f. based on a critical area((s)) report, the department determines that the
1913 maintenance, repair, replacement, or construction will not cause ((significant)) impacts to
1914 upstream or downstream properties.

1915 44. Allowed in type N and O aquatic areas if done in the least impacting way at
1916 the least impacting time of year, in conformance with applicable best management
1917 practices, and all affected instream and ((buffer)) riparian area features are restored.

1918 45. Allowed in ((a)) type S or F ((water)) aquatic areas when such work is:
1919 a. included as part of a project to evaluate, restore, mitigate, or ((improve))
1920 enhance habitat((, and));
1921 b. sponsored or cosponsored by an Indian tribe, ((public)) government agency,
1922 nonprofit organization that has natural resource management as a function, or ((by a
1923 federally recognized tribe)) a higher education institution; and
1924 c. in compliance with the criteria of subsection D.49. of this section.

1925 46. Allowed ((as long as)) if the trail surface is ((not)) constructed of
1926 ((im))pervious surfaces that ((will)) does not contribute to surface water run((-))off,
1927 ((unless)) except when the construction is necessary for soil stabilization, ((or)) soil

erosion prevention, ~~((unless the trail system is specifically designed and))~~ intended to be accessible to ~~((handicapped))~~ persons with disabilities.

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

a. the trail surface is ~~((made))~~ constructed of pervious materials, except ~~((that~~
~~public multipurpose trails))~~ when a public trail is intended to be accessible to persons
with disabilities may be made of impervious materials if they meet all the requirements in
K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be
constructed as a raised boardwalk or bridge;

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

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

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

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

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

1950 g. the trail corridor will not change or diminish the overall aquatic area flow
1951 peaks, duration or volume or the flood storage capacity((-));

1952 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
1953 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
1954 the maximum extent practical;

1955 i. trail maintenance or expansion does not involve the use of herbicides,
1956 hazardous substances, sealants, or other liquid oily substances within aquatic areas,
1957 riparian areas, wetlands, or associated buffers;

1958 j. the trail may be (~~located across a critical area buffer~~) allowed to cross a
1959 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform
1960 or to a permitted dock or pier; and

1961 (~~(i-A)~~) k. a private viewing platform may be allowed if it is:

1962 (1) located upland from the wetland edge or the ordinary high water mark of
1963 an aquatic area;

1964 (2) located where it will not be detrimental to the functions of the wetland or
1965 aquatic area and will have the least adverse environmental impact on the critical area or
1966 (~~(its)~~) associated buffer;

1967 (3) limited to fifty square feet in size;

1968 (4) constructed of materials that are nontoxic; and

1969 (5) on footings located outside of the wetland or aquatic area.

1970 48. Only if the maintenance:

1971 a. does not involve the use of herbicides or other hazardous substances except
1972 for the removal of noxious weeds or invasive vegetation;

1973 b. when salmonids are present, the maintenance is in compliance with ditch
1974 standards in public rule; and

1975 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
1976 culvert, engineered slope, or other improved area being maintained.

1977 49. Limited to alterations to create, restore, or enhance habitat forming
1978 processes or ~~((directly restore))~~ habitat functions and values, including ~~((access for))~~
1979 construction access necessary for the project, as follows:

1980 a. ~~((projects sponsored or cosponsored by a public agency that has natural
1981 resource management as a primary function or by a federally recognized tribe;~~

1982 b. ~~restoration and enhancement plans prepared by a qualified biologist; or~~

1983 c. ~~conducted in accordance with an approved forest management plan, farm
1984 management plan or rural stewardship plan))~~ projects shall provide a net ecological

1985 benefit and increase in functions over the existing ecological and functional conditions of
1986 the critical area; and

1987 b. an ecological critical area report shall include:

1988 (1) an evaluation of the anticipated net change in ecological functions from
1989 pre-project to post project; and

1990 (2) a monitoring and reporting plan to demonstrate the gain of ecological
1991 function.

1992 50. Allowed in accordance with a scientific sampling permit issued by
1993 Washington state Department of Fish and Wildlife or an incidental take permit issued
1994 under Section 10 of the Endangered Species Act.

1995 51.a. Allowed ~~((for the))~~ if done with minimal clearing and grading, including
1996 site access, necessary to prepare critical area reports.

1997 ~~((52.))~~ b. The following are allowed in a wetland, wetland buffer, aquatic area,
1998 riparian area, and severe channel migration hazard area if associated spoils are contained:

1999 ~~((a.))~~ (1) data collection and research if carried out to the maximum extent
2000 practical by nonmechanical or hand~~((--))~~held equipment;

2001 ~~((b.))~~ (2) survey monument placement;

2002 ~~((c.))~~ (3) site exploration and gage installation if performed in accordance with
2003 state-approved sampling protocols and accomplished to the maximum extent practical by
2004 hand~~((--))~~held equipment ~~((and))~~; or

2005 (4) similar work associated with an incidental take permit issued under
2006 Section 10 of the Endangered Species Act or consultation under Section 7 of the
2007 Endangered Species Act.

2008 52. Repealed.

2009 53. ~~((Limited to))~~ a. Allowed for agricultural activities in the same footprint if:

2010 (1) in continuous existence ~~((since))~~ as of January 1, 2005~~((, with no~~
2011 ~~expansion within the critical area or critical area buffer))~~; or

2012 (2) legally established after January 1, 2005, and in continuous existence since
2013 establishment.

2014 b. "Continuous existence" includes cyclical operations and managed periods of
2015 soil restoration, enhancement or other fallow states not exceeding seven years and
2016 associated with these ~~((horticultural and))~~ agricultural activities. Transfer of ownership,
2017 sale, or leasing of land shall not affect continuous existence.

2018 54. Only ~~((A))~~ allowed ~~((for))~~ as follows:

2019 a. Limited to the following activities:

2020 (1) expansion of existing agricultural activities qualifying under subsection

2021 D.53. of this subsection;

2022 (2) conversion of one type of agricultural activity to another, including

2023 changing the types of crops harvesting method or changing from crops to livestock,

2024 qualifying under subsection D.53. of this section; or

2025 (3) establishment of new agricultural activities; ~~((where:~~

2026 ~~a. the site is predominantly involved in the practice of agriculture;))~~

2027 b. agriculture is the primary activity on the site;

2028 c. there is no expansion or new activity in ~~((to))~~ an area that:

2029 (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G

2030 forest practice permit; ((or))

2031 (2) is ~~((more than ten thousand square feet with tree cover at a uniform~~

2032 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~

2033 ~~the trees at least four inches diameter at breast height, not including))~~ an aquatic area or a

2034 wetland, except grazed or tilled wet meadows; or

2035 (3) is a wetland buffer or riparian area that contains predominately native

2036 forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or

2037 herbaceous layer excludes areas ~~((that are actively managed as agricultural crops for~~

2038 ~~pulpwood, Christmas trees or ornamental nursery stock))~~ where native species are

2039 commercially planted and harvested as crops; and

2040 ~~((e-))~~ d. the activities are ((in compliance)) consistent with an approved farm
2041 management plan in accordance with K.C.C. 21A.24.051, including any best
2042 management practices applicable to the activity~~((; and~~
2043 ~~d. all best management practices associated with the activities specified in the~~
2044 ~~farm management plan are installed and maintained))~~.
2045 55. Only allowed if:
2046 a. associated with an activity that qualifies under subsection D.53. or D.54. of
2047 this section;
2048 b. located in an existing grazed, ((or)) tilled ((wet meadows or their buffers if:
2049 ~~a. the facilities are designed to the standards of an approved farm management~~
2050 ~~plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in~~
2051 ~~accordance with K.C.C. chapter 21A.30))~~, or impervious area;
2052 c. there is no expansion or new activity in areas identified in subsection D.54.c.
2053 of this section;
2054 ~~((b-))~~ d. there is ((not a)) no other feasible alternative location available on the
2055 site that is located outside of the critical area or associated buffer; ~~((and~~
2056 ~~e-))~~ e. the alteration is consistent with an approved farm management plan in
2057 accordance with K.C.C. 21A.24.051, including any best management practices applicable
2058 to the activity; and
2059 f. the ((facilities are)) alteration is located as close to the outside edge of the
2060 critical area or critical area buffer to the maximum extent practical; and
2061 g. within a severe channel migration hazard area, the alteration is located:
2062 (1) outside of the shoreline jurisdiction; and

2063 (2) in an area with the least risk from channel migration.

2064 56. ~~((Only allowed in:~~

2065 ~~a.(1) a severe channel migration hazard area located outside of the shorelines~~
2066 ~~jurisdiction area;~~

2067 ~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~

2068 ~~(3) aquatic area buffer; and only if:~~

2069 ~~b.(1) the applicant demonstrates that adverse impacts to the critical area and~~
2070 ~~critical area buffers have been minimized;~~

2071 ~~(2) there is not another feasible location available on the site that is located~~
2072 ~~outside of the critical area or critical area buffer;~~

2073 ~~(3) the farm pad is designed to the standards in an approved farm~~
2074 ~~management plan in accordance with K.C.C. 21A.24.051; and~~

2075 ~~(4) for proposals located in the severe channel migration hazard area, the~~
2076 ~~farm pad or livestock manure storage facility is located where it is least subject to risk~~
2077 ~~from channel migration.~~

2078 57.) Allowed for new agricultural drainage ~~((in compliance))~~ consistent with an
2079 approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((and all)),~~
2080 including any best management practices ~~((associated with))~~ applicable to the ~~((activities~~
2081 ~~specified in the farm management plan are installed and maintained))~~ activity.

2082 ~~((58. If))~~ 57. Allowed as follows:

2083 a. if conducted in accordance with an approved forest management plan or
2084 farm management plan in accordance with K.C.C. 21A.24.051; or

2085 b. without an approved forest management plan or farm management plan,
2086 only if:
2087 (1) the agricultural drainage is not used by salmonids~~((, maintenance shall be~~
2088 ~~in compliance with an approved farm management plan in accordance with K.C.C.~~
2089 ~~21A.24.051))~~;
2090 (2) vegetation removal is undertaken with hand labor, including handheld
2091 mechanical tools, unless the King County noxious weed control board otherwise
2092 prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides,
2093 or biological control methods;
2094 (3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;
2095 (4) the cleared area is revegetated with native vegetation or climate-adaptive
2096 plants and stabilized against erosion; and
2097 (5) herbicide use is in accordance with federal and state law.
2098 58. Only for maintenance of agricultural waterways if:
2099 a. the purpose of the maintenance is to improve agricultural production on a
2100 site predominately engaged in the practice of agriculture;
2101 b. the maintenance is conducted in compliance with a hydraulic project
2102 approval issued by the Washington state Department of Fish and Wildlife in accordance
2103 with chapter 77.55 RCW;
2104 c. the maintenance complies with the King County agricultural drainage
2105 assistance program as agreed to by the Washington state Department of Fish and
2106 Wildlife, the department of local services, permitting division, and the department of

2107 natural resources and parks, and as reviewed by the Washington state Department of
2108 Ecology;

2109 d. the person performing the maintenance and the landowner have attended
2110 training provided by King County on the King County agricultural drainage assistance
2111 program and the best management practices required under that program;

2112 e. the maintenance complies with K.C.C. chapter 16.82; and

2113 f. the alteration is consistent with an approved farm management plan in
2114 accordance with K.C.C. 21A.24.051.

2115 59. Allowed ~~((within existing landscaped areas or other previously disturbed~~
2116 ~~areas))~~ on sites with an activity that qualifies under subsections D.53. or 54. of this
2117 section when:

2118 a. consistent with an approved farm management plan in accordance with
2119 K.C.C. 21A.24.051, including any best management practices applicable to the activity;

2120 b. there is no other feasible location with less impact on critical areas and
2121 associated buffers;

2122 c. in compliance with the Surface Water Design Manual, which includes:

2123 (1) farmland dispersion requirements for properties within an Agricultural
2124 Production District, enrolled in the Farmland Preservation Program, or zoned A; or

2125 (2) any applicable flow control best management practices for all other
2126 properties;

2127 d. access is located where it is least subject to risk from channel migration;

2128 e. a floodplain development permit is obtained for any action within the
2129 floodplain; and

2130 f. all other required state and federal permits have been obtained and actions
2131 comply with such permits.

2132 ~~60. ((Allowed for residential utility service distribution lines to residential~~
2133 ~~dwelling, including, but not limited to, well water conveyance, septic system~~
2134 ~~conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~

2135 ~~a. there is no alternative location with less adverse impact on the critical area~~
2136 ~~or the critical area buffer;~~

2137 ~~b. the residential utility service distribution lines meet all of the following, to~~
2138 ~~the maximum extent practical:~~

2139 ~~(1) are not located over habitat used for salmonid rearing or spawning or by a~~
2140 ~~species listed as endangered or threatened by the state or federal government unless the~~
2141 ~~department determines that there is no other feasible crossing site;~~

2142 ~~(2) not located over a type S aquatic area;~~

2143 ~~(3) paralleling the channel or following a down-valley route near the channel~~
2144 ~~is avoided;~~

2145 ~~(4) the width of clearing is minimized;~~

2146 ~~(5) the removal of trees greater than twelve inches diameter at breast height is~~
2147 ~~minimized;~~

2148 ~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in~~
2149 ~~area to the disturbed critical area buffer area is provided to protect the critical area;~~

2150 ~~(7) access for maintenance is at limited access points into the critical area~~
2151 ~~buffer.~~

2152 ~~(8) the construction occurs during approved periods for instream work;~~

2153 ~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be~~
2154 ~~laterally constructed at least four feet below the maximum depth of scour for the base~~
2155 ~~flood; and~~

2156 ~~(10) open trenching across Type O or Type N aquatic areas is only used~~
2157 ~~during low flow periods or only within aquatic areas when they are dry.)) Limited to~~
2158 ~~nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers,~~
2159 ~~riparian areas where:~~

2160 a. the primary use of the site is an activity qualifying under subsection D.53. or
2161 54. of this section;

2162 b. the structure is consistent with an approved farm management plan in
2163 accordance with K.C.C. 21A.24.051, including any best management practices applicable
2164 to the structure;

2165 c. the structure is either:

2166 (1) on or adjacent to existing nonresidential impervious surface areas,
2167 additional impervious surface area is not created waterward of any existing impervious
2168 surface areas, and the area was not used for crop production;

2169 (2) higher in elevation and no closer to the critical area than its existing
2170 position; or

2171 (3) at a location away from existing impervious surface areas that is
2172 determined to be the optimum location in the farm management plan;

2173 d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2174 require the development of a farm management plan if required best management

2175 practices are followed and the installation does not require clearing of critical areas or
2176 their buffers; and

2177 e. in an alluvial fan hazard area or a severe channel migration hazard area if:

2178 (1) there is no feasible alternative location on-site;

2179 (2) the structure is located where it is least subject to risk from alluvial fan
2180 hazards or channel migration;

2181 (3) the structure is not used to house animals or store hazardous substances;

2182 and

2183 (4) the total footprint of all accessory structures within the severe channel
2184 migration hazard area will not exceed the greater of one thousand square feet or two
2185 percent of the severe channel migration hazard area on the site.

2186 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2187 district, or the department of natural resources and parks and the department of local
2188 services, permitting division, determines that the project and its location:

2189 a. is the best flood risk reduction alternative ~~((practicable))~~ practical;

2190 b. is part of a comprehensive, long-term flood management strategy;

2191 c. is consistent with the King County Flood Management Plan policies;

2192 d. will have the least ~~((adverse))~~ impact on the ecological functions of the
2193 critical area or ~~((its))~~ associated buffer, including habitat for fish and wildlife that are

2194 identified for protection in the King County Comprehensive Plan; and

2195 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2196 62.a. Not allowed in wildlife habitat conservation areas;

2197 b. Only allowed if:

- 2198 (1) the project is sponsored or cosponsored by a public agency whose primary
2199 function ~~((deals with))~~ is natural resources management;
- 2200 (2) the project is located on public land or on land that is owned by a
2201 nonprofit agency whose primary function ~~((deals with))~~ is natural resources management;
- 2202 (3) there is not a feasible alternative location available on the site with less
2203 impact to the critical area or ~~((its))~~ associated buffer;
- 2204 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 2205 (5) the project minimizes the footprint of structures and the number of access
2206 points to any critical areas; and
- 2207 (6) the project meets the following design criteria:
- 2208 (a) to the maximum extent practical size of platform shall not exceed one
2209 hundred square feet;
- 2210 (b) all construction materials for any structures, including the platform,
2211 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as
2212 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2213 fiberglass, or cured concrete that the department determines will not have an ~~((adverse))~~
2214 impact on water quality;
- 2215 (c) the exterior of any structures are sufficiently camouflaged using netting
2216 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
2217 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 2218 (d) structures shall be located outside of the wetland or aquatic area
2219 landward of the ~~((O))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water
2220 component, ~~((if applicable))~~, to the maximum extent practical on the site;

2221 (e) construction occurs during approved periods for work inside the
2222 ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;
2223 (f) construction associated with bird blinds shall not occur from March 1
2224 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
2225 and rearing seasons;
2226 (g) to the maximum extent practical, provide accessibility for persons with
2227 physical disabilities in accordance with the International Building Code;
2228 (h) trail access is designed in accordance with public rules adopted by the
2229 department;
2230 (i) existing native vegetation within the critical area will remain undisturbed
2231 except as necessary to accommodate the ~~((proposal))~~ project. Only minimal hand
2232 clearing of vegetation is allowed; and
2233 (j) disturbed bare ground areas around the structure ~~((must))~~ shall be
2234 ~~((replanted))~~ revegetated with native vegetation or climate-adaptive plants approved by
2235 the department.
2236 63. ~~((Not a))~~Allowed ~~((in the severe channel migration zone;))~~ if there is no
2237 alternative location with less ~~((adverse))~~ impact on the critical area and buffer, and
2238 clearing is minimized to the maximum extent practical.
2239 64. ~~((Only structures wholly or partially supported by a tree and used as~~
2240 ~~accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1,~~
2241 ~~subject to the following:~~
2242 ~~a. not allowed in wildlife habitat conservation areas or severe channel~~
2243 ~~migration hazard areas;~~

2244 b. ~~the structure's floor area shall not exceed two hundred square feet, excluding~~
2245 ~~a narrow access stairway or landing leading to the structure;~~

2246 c. ~~the structure shall be located as far from the critical area as practical, but in~~
2247 ~~no case closer than seventy-five feet from the critical area;~~

2248 d. ~~only one tree-supported structure within a critical area buffer is allowed on a~~
2249 ~~lot;~~

2250 e. ~~all construction materials for the structure, including the platform, pilings,~~
2251 ~~exterior and interior walls, and roof, shall be constructed of nontoxic material, such as~~
2252 ~~nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,~~
2253 ~~fiberglass or cured concrete that the department determines will not have an adverse~~
2254 ~~impact on water quality;~~

2255 f. ~~to the maximum extent practical, the exterior of the structure shall be~~
2256 ~~camouflaged with natural wood and earth-tone colors to limit visual impacts to wildlife~~
2257 ~~and visibility from the critical area. The camouflage shall be maintained to retain~~
2258 ~~concealment effectiveness;~~

2259 g. ~~the structure must not adversely impact the long-term health and viability of~~
2260 ~~the tree. The evaluation shall include, but not be limited to, the following:~~

2261 (1) ~~the quantity of supporting anchors and connection points to attach the tree~~
2262 ~~house to the tree shall be the minimum necessary to adequately support the structure;~~

2263 (2) ~~the attachments shall be constructed using the best available tree anchor~~
2264 ~~bolt technology; and~~

2265 ~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement~~
2266 ~~of the tree house and shall submit a report discussing how the tree's long-term health and~~
2267 ~~viability will not be negatively impacted by the tree house or associated infrastructure;~~

2268 ~~h. exterior lighting shall meet the following criteria:~~

2269 ~~(1) limited to the minimum quantity of lights necessary to meet the building~~
2270 ~~code requirements to allow for safe exiting of the structure and stairway; and~~

2271 ~~(2) exterior lights shall be fully shielded and shall direct light downward, in~~
2272 ~~an attempt to minimize impacts to the nighttime environment;~~

2273 ~~i. unless otherwise approved by the department, all external construction shall~~
2274 ~~be limited to September 1 through March 1 in order to avoid disturbance to wildlife~~
2275 ~~species during typical breeding, nesting, and rearing seasons;~~

2276 ~~j. trail access to the structure shall be designed in accordance with trail~~
2277 ~~standards under subsection D.47. of this section;~~

2278 ~~k. to the maximum extent practical, existing native vegetation shall be left~~
2279 ~~undisturbed. Only minimal hand clearing of vegetation is allowed; and~~

2280 ~~l. vegetated areas within the critical area buffer that are temporarily impacted~~
2281 ~~by construction of the structure shall be restored by planting native vegetation according~~
2282 ~~to a vegetation management plan approved by the department.)) Allowed within existing~~
2283 ~~landscaped areas or other previously disturbed areas.~~

2284 65. Shoreline water dependent and shoreline water oriented uses are allowed in
2285 ~~((the aquatic area and aquatic area buffer of a T))~~type S aquatic area and adjacent riparian
2286 area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ~~((King~~
2287 ~~County))~~ Comprehensive Plan.

2288 66. Only hydroelectric (~~((generating))~~) generation facilities meeting the
2289 requirements of K.C.C. 21A.08.100.B.14., and only as follows:

2290 a. there is (~~((not another))~~) no other feasible location within the aquatic area with
2291 less (~~((adverse))~~) impact on the critical area and (~~((its))~~) associated buffer;

2292 b. the facility and corridor (~~((is))~~) are not located over habitat used for salmonid
2293 rearing or spawning or by a species listed as endangered or threatened by the state or
2294 federal government unless the department determines that there is no other feasible
2295 location;

2296 c. the facility is not located in Category I wetlands or Category II wetlands
2297 with a habitat score of (~~((8))~~) eight points or greater;

2298 d. the corridor width is minimized to the maximum extent practical;

2299 e. paralleling the channel or following a down-valley route within (~~((an aquatic~~
2300 ~~area buffer))~~) a riparian area is avoided to the maximum extent practical;

2301 f. the construction occurs during approved periods for instream work;

2302 g. the facility and corridor will not change or adversely impact the overall
2303 aquatic area flow peaks, duration or volume or the flood storage capacity;

2304 h. (~~((the facility and corridor is not))~~) no new facilities are located within a
2305 severe channel migration hazard area;

2306 i. to the maximum extent practical, buildings will be located outside the
2307 wetland buffer or riparian area and away from the wetland or aquatic area (~~((or wetland))~~);

2308 j. to the maximum extent practical, access for maintenance is at limited access
2309 points into the critical area or associated buffer rather than by a parallel maintenance
2310 road. If a parallel maintenance road is necessary, the following standards are met:

2311 (1) to the maximum extent practical the width of the maintenance road is
2312 minimized and in no event greater than fifteen feet; and

2313 (2) the location of the maintenance road is contiguous to the utility corridor
2314 on the side of the utility corridor farthest from the critical area;

2315 k. the facility does not pose an unreasonable threat to the public health, safety,
2316 or welfare on or off the development proposal site and is consistent with the general
2317 purposes of this chapter and the public interest; and

2318 l. the facility connects to or is an alteration to a public roadway, public trail, a
2319 utility corridor or utility facility, or other infrastructure owned or operated by a public
2320 utility.

2321 67. Only hydroelectric (~~((generating))~~) generation facilities meeting the
2322 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

2323 a. there is no(~~((t-an))~~)other feasible location with less (~~((adverse))~~) impact on the
2324 critical area and (~~((its))~~) associated buffer;

2325 b. the alterations will not subject the critical area to an increased risk of
2326 landslide or erosion;

2327 c. the corridor width is minimized to the maximum extent practical;

2328 d. vegetation removal is the minimum necessary to locate the utility or
2329 construct the corridor;

2330 e. the facility and corridor do not pose an unreasonable threat to the public
2331 health, safety, or welfare on or off the development proposal site and (~~((is))~~) are consistent
2332 with the general purposes of this chapter, and the public interest and significant risk of
2333 personal injury (~~((is))~~) are eliminated or minimized in the landslide hazard area; and

2334 f. the facility connects to or is an alteration to a public roadway, public trail, a
2335 utility corridor or utility facility or other infrastructure owned or operated by a public
2336 utility.

2337 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2338 only as follows:

2339 a. the heat exchanger (~~((must))~~) shall be a closed loop system that does not draw
2340 water from or discharge to the lake;

2341 b. the lake bed shall not be disturbed, except as required by the county or a
2342 state or federal agency to mitigate for impacts of the heat exchanger;

2343 c. the in-water portion of system is only allowed where water depth exceeds
2344 six feet; and

2345 d. system structural support for the heat exchanger piping shall be attached to
2346 an existing dock or pier or be attached to a new structure that meets the requirements of
2347 K.C.C. 21A.25.180.

2348 69. (~~((Only for maintenance of agricultural waterways if:~~

2349 ~~a. the purpose of the maintenance project is to improve agricultural production~~
2350 ~~on a site predominately engaged in the practice of agriculture;~~

2351 ~~b. the maintenance project is conducted in compliance with a hydraulic project~~
2352 ~~approval issued by the Washington state Department of Fish and Wildlife pursuant to~~
2353 ~~chapter 77.55 RCW;~~

2354 ~~c. the maintenance project complies with the King County agricultural~~
2355 ~~drainage assistance program as agreed to by the Washington state Department of Fish and~~
2356 ~~Wildlife, the department of local services, permitting division, and the department of~~

2357 natural resources and parks, and as reviewed by the Washington state Department of
2358 Ecology;

2359 ~~d. the person performing the maintenance and the landowner have attended~~
2360 ~~training provided by King County on the King County agricultural drainage assistance~~
2361 ~~program and the best management practices required under that program; and~~

2362 ~~e. the maintenance project complies with K.C.C. chapter 16.82)) Repealed.~~

2363 SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C.
2364 21A.24.051 are hereby amended to read as follows:

2365 A. ~~((The alterations identified in K.C.C. 21A.24.045 for a))~~ Agricultural activities
2366 ~~((are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat~~
2367 ~~conservation areas, when an agricultural activity is currently occurring on the site and the~~
2368 ~~alteration is in compliance with an approved farm management plan in accordance with))~~
2369 allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

2370 B. For the purposes of this chapter, proof of agricultural activities and
2371 commercial production of agricultural products may be demonstrated through one or
2372 more of the following:

- 2373 1. filing of an IRS schedule F for the preceding year;
- 2374 2. currently holds a USDA organic certification producer certification;
- 2375 3. enrolled in the current use classification "farm and agricultural land" under
2376 chapter 84.34 RCW;
- 2377 4. meets the eligibility for current use classification "farm and agricultural land"
2378 under chapter 84.34 RCW with proof of enrollment within two years; or

2379 5. other comparable documentation of commercial farming activity accepted by
2380 the department.

2381 C. Farm management plans shall be consistent with this section and, for livestock
2382 activities, ((a farm management plan in accordance)) also consistent with K.C.C. chapter
2383 21A.30.

2384 ~~((B.))~~ D. This section does not modify any requirement that the property owner
2385 obtain permits for activities covered by the farm management plan.

2386 ~~((C. The department of natural resources and parks or its designee shall serve as~~
2387 ~~the single point of contact for King County in providing information on farm~~
2388 ~~management plans for purposes of this title. The department of natural resources and~~
2389 ~~parks shall adopt a public rule governing the development of farm management plans.~~
2390 ~~The rule may provide for different types of farms management plans related to different~~
2391 ~~kinds of agricultural activities, including, but not limited to the best management~~
2392 ~~practices for livestock management, livestock crossing, livestock heavy use areas,~~
2393 ~~horticulture management, site development, farm pads, farm field access roads, and~~
2394 ~~agricultural drainage.~~

2395 ~~D.))~~ E. A property owner or applicant seeking to use the process to allow
2396 alterations in critical area buffers shall develop a farm management plan based on the
2397 following goals, which are listed in order of priority:

2398 1. To maintain the productive agricultural land base and economic viability of
2399 agriculture on the site;

2400 2. To maintain, restore, or enhance critical areas to the maximum extent
2401 practical in accordance with the site-specific goals of the landowner;

2402 3. To the maximum extent practical in accordance with the site-specific goals of
2403 the landowner, maintain, and enhance natural hydrologic systems on the site;

2404 4. To use federal, state, and local best management practices and best available
2405 science for farm management to achieve the goals of the farm management plan; and

2406 5. To monitor the effectiveness of best management practices and implement
2407 additional practices through adaptive management to achieve the goals of the farm
2408 management plan.

2409 ~~((E.))~~ F. If a part or all of the site is located within the shoreline jurisdiction, the
2410 farm management plan shall:

2411 1. Consider and be consistent with the goals of the shoreline management act
2412 and the policies of the King County shoreline master program;

2413 2. Consider the priorities of the King County shoreline protection and
2414 restoration plan; and

2415 3. Ensure no net loss of shoreline ecological functions and critical area functions
2416 and values.

2417 ~~((F. The property owner or applicant may develop the farm management plan as
2418 part of a program offered or approved by King County.))~~ G. The plan shall include, but
2419 is not limited to, the following elements:

2420 1. A site inventory identifying critical areas, structures, cleared and forested
2421 areas, and other significant features on the site;

2422 2. Site-specific performance standards and best management practices to
2423 maintain, restore, or enhance critical areas and ~~((their))~~ associated buffers, and maintain

2424 and enhance native vegetation on the site, including the best management practices for
2425 the installation and maintenance of farm field access drives and agricultural drainages;

2426 3. A plan for future changes to any existing structures or for any changes to the
2427 landscape that involve clearing or grading;

2428 4. A plan for implementation of performance standards and best management
2429 practices;

2430 5. A plan for monitoring the effectiveness of measures taken to protect critical
2431 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm
2432 management plan shall occur if ~~((adverse))~~ impacts ~~((occur))~~ to critical areas or
2433 associated buffers are identified.

2434 ~~((G.))~~ H. If applicable, a farm management plan shall include documentation of
2435 compliance with flood compensatory storage and flood conveyance in accordance with
2436 K.C.C. 21A.24.240.

2437 ~~((H.-A.))~~ I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a
2438 farm management plan is not effective until approved by the county. Before approval,
2439 the county may conduct a site inspection, ((which may be through a program offered or
2440 approved by King County,)) to verify that the plan is ((reasonably)) likely to accomplish
2441 the goals in subsection ((D.)) E. of this section and consistent with subsection ((E.)) F. of
2442 this section.

2443 ~~((I.))~~ J. ~~((Once approved, a))~~ Activities carried out ((in compliance)) consistent
2444 with ((the)) an approved farm management plan shall be deemed in compliance with this
2445 chapter. In the event of a potential code enforcement action, ((the department of local
2446 services, permitting division, shall first inform the department of natural resources and

~~parks of the activity. Before taking code enforcement action,))~~ the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows:

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

B. The department of natural resources and parks shall be responsible for farm management plans that are filed with the county and serve as the primary county agency point of contact. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out the responsibilities under this chapter relating to farm management plans. King County and the King Conservation District may enter into agreements to carry out the provisions of this title relating to farm management plans.

C.1. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 ~~((and))~~, 21A.24.051 ~~((relating to rural stewardship plans and farm management plans))~~, and K.C.C. 21A.30.045, consistent with the provisions of this section. The rules shall ~~((not compromise))~~ be consistent with the King Conservation District's mandates or standards

for farm management planning. The rules may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the rule making under this section required by this ordinance and each subsequent update to the public rule, the director of natural resources and parks shall:

a. Request comment from Indian tribes no less than sixty days before the adoption of the final rule;

b. Meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. Provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the proposed rule, and a response with how the final rule addresses the comments.

3. The public rule required as a result of this ordinance shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including, but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

2492 ~~((C.))~~ D. County departments or approved agencies shall provide technical
2493 assistance and resources to landowners to assist them in preparing the plans. The
2494 technical assistance shall include, but is not limited to, web-based information,
2495 instructional manuals, and classroom workshops. When possible, ~~((the assistance shall~~
2496 ~~be provided at little or no cost to landowners))~~ the cost of such assistance shall be
2497 minimal to the landowner. ~~((In addition, t))~~ The department of natural resources and
2498 parks shall develop, in consultation as necessary with the department of local services,
2499 permitting division, and the King Conservation District, ~~((and make available to the~~
2500 ~~public,))~~ model farm management~~((, forest management and rural stewardship))~~ plans
2501 illustrating examples of plan application content, drawings, and site plans, ~~((to assist~~
2502 ~~landowners in their development of site specific plans for their property))~~ and make them
2503 available to the public.

2504 ~~((D. The department of natural resources and parks is the primary county agency~~
2505 ~~responsible for rural stewardship plans and farm management plans that are filed with the~~
2506 ~~county under this chapter. The department of natural resources and parks shall consult~~
2507 ~~with the department of local services, permitting division, in carrying out its~~
2508 ~~responsibilities under this chapter relating to rural stewardship plans and farm~~
2509 ~~management plans. The department of natural resources and parks, the department of~~
2510 ~~local services, permitting division, and the King Conservation District may enter into~~
2511 ~~agreements to carry out the provisions of this chapter relating to rural stewardship plans~~
2512 ~~and farm management plans.))~~

2513 E. The department of natural resources and parks and department of local
2514 services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural~~

2515 ~~stewardship and~~) farm management plans in meeting the goals and objectives of those
2516 plans established in this chapter.

2517 F.1. The department of natural resources and parks shall maintain an inventory of
2518 farm management plans required to be submitted, reviewed, or approved by King County
2519 as a condition of participation in the public benefit rating system, a critical area alteration
2520 related to agriculture, or agricultural and livestock development standards in K.C.C.
2521 chapter 21A.24 or K.C.C. chapter 21A.30.

2522 2. The update to the farm management public rule in subsection C.1. of this
2523 section shall establish the procedures and the specific types of information to be collected
2524 as part of the inventory.

2525 3. The department shall make available and update annually an aggregated
2526 summary of the inventory on the county website.

2527 SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C.
2528 21A.24.070 are hereby amended to read as follows:

2529 A. ~~((The director may approve alterations to))~~ If application of this chapter denies
2530 all reasonable use or prohibits a development proposal, an applicant may apply for an
2531 exception in accordance with this section. Except in flood hazard areas, alluvial fan
2532 hazard areas, and severe channel migration hazard areas, an exception under this section
2533 may be allowed in critical areas, critical area buffers, and critical area setbacks~~((, except~~
2534 ~~for flood hazard areas, not otherwise allowed by this chapter as follows:~~

2535 ~~1. Except as otherwise provided in subsection A.2. of this section, for linear~~
2536 ~~alterations, the director may approve alterations to critical areas, critical area buffers and~~
2537 ~~critical area setbacks only when)).~~

2538 B. A request for an exception in the shoreline jurisdiction shall be processed as a
2539 shoreline variance under K.C.C. 21A.44.090.

2540 C. A public agency or utility may apply for a critical area alteration exception if
2541 application of this chapter denies a development proposal. A public agency or utility
2542 critical area alteration exception shall meet all of the following criteria ((are met)):

2543 ~~((a-))~~ 1. ((t)) There is no feasible alternative to the development proposal with
2544 less ~~((adverse))~~ impact on the critical area;

2545 ~~((b-))~~ 2. ((t)) The development proposal minimizes ~~((the adverse))~~ impacts on
2546 critical areas to the maximum extent practical and complies with avoidance and
2547 mitigation sequencing in K.C.C. 21A.24.125;

2548 ~~((c-))~~ 3. ((t)) The ~~((approval))~~ exception does not require the modification of a
2549 critical area development standard established by this chapter;

2550 ~~((d-))~~ 4. ((t)) The development proposal does not pose an unreasonable threat to
2551 the public health, safety, or welfare on or off the development proposal site and is
2552 consistent with the general purposes of this chapter and the public interest;

2553 ~~((e- the))~~ 5. For linear alterations:

2554 ~~((f-))~~ a. the alteration connects to or is ~~((an alteration to))~~ a public roadway,
2555 regional light rail transit line, public trail, ~~((a))~~ utility corridor or utility facility, railroad,
2556 hydroelectric generation facility, or other public infrastructure owned or operated by a
2557 public utility; or

2558 ~~((g-))~~ b. the alteration is required to overcome limitations due to gravity;

2559 ~~((2. In order to accommodate the siting of a regional light rail transit facility~~
2560 ~~under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~

area buffers and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer;)) and

~~((3. F)) 6. For nonlinear alterations ((the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met)):~~

a. a regional light rail transit facility under RCW 36.70A.200 may be allowed in any critical area, critical area buffer, or critical area setback, except those identified in subsection A. of this section;

b. a public school in a category II, III, and IV wetland may be allowed; and

c. all other nonlinear alterations shall not be located in an aquatic area, wildlife habitat conservation area, wetland, or fish spawning area;

D. A property owner may apply for a private development critical area alteration exception if application of this chapter denies a development proposal in a steep slope hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat network, critical area buffer, or critical area setback. A private development critical area alteration exception shall meet all of the following criteria:

1. ~~((†))~~There is no feasible alternative to the development proposal with less ~~((adverse))~~ impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

2584 ~~((b-))~~ 3. ~~((t))~~ The alteration is the minimum necessary to accommodate the
2585 development proposal;

2586 ~~((e-))~~ 4. ~~((t))~~ The ~~((approval))~~ exception does not require the modification of a
2587 critical area development standard established by this chapter;

2588 ~~((d-))~~ 5. ~~((t))~~ The development proposal does not pose an unreasonable threat to
2589 the public health, safety, or welfare on or off the development proposal site and is
2590 consistent with the general purposes of this chapter and the public interest;

2591 ~~((e-))~~ 6. ~~((f))~~ For dwelling units, no more than five thousand square feet or ten
2592 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~
2593 critical area setbacks, or other land alteration, including grading, utility installations ~~((and~~
2594 ~~landscaping))~~, but not including the area used for a driveway or for an on-site sewage
2595 disposal system~~((-- When the site disturbance is within a critical area buffer, the building~~
2596 ~~setback line shall be measured from the building footprint to the edge of the approved site~~
2597 ~~disturbance;~~

2598 ~~f. to the maximum extent practical, access is located to have the least adverse~~
2599 ~~impact on the critical area and critical area buffer)); and~~

2600 ~~g-))~~ 7. ~~((t))~~ The critical area is not ~~((used as))~~ a ~~((salmonid))~~ fish spawning
2601 area~~((; and~~

2602 ~~h. the director may approve an alteration in a category II, III, and IV wetland~~
2603 ~~for development of a public school facility.~~

2604 ~~B. The director may approve alterations to critical areas, critical area buffers, and~~
2605 ~~critical area setbacks, except for flood hazard areas,));~~

2606 E. An applicant may apply for a reasonable use exception if the application of
2607 this chapter would deny all reasonable use of the property ~~((as follow))~~. A reasonable use
2608 exception shall meet all of the following:

2609 1. ~~((If the critical area, critical area buffer or critical area setback is outside of~~
2610 ~~the shoreline jurisdiction, the applicant may apply for a reasonable use exception under~~
2611 ~~this subsection without first having applied for an alteration exception under this section~~
2612 ~~if the requested reasonable use exception includes relief from development standards for~~
2613 ~~which an alteration exception cannot be granted under this section. The director shall~~
2614 ~~determine that all of the following criteria are met:~~

2615 ~~a. t))~~ There is no other reasonable use with less ((adverse)) impact on the
2616 critical area;

2617 2. The development proposal minimizes impacts on critical areas to the
2618 maximum extent practical and complies with avoidance and mitigation sequencing in
2619 K.C.C. 21A.24.125;

2620 3. The alteration is the minimum necessary to allow for reasonable use of the
2621 property; and

2622 ~~((b.))~~ 4. The development proposal does not pose an unreasonable threat to the
2623 public health, safety, or welfare on or off the development proposal site and is consistent
2624 with the general purposes of this chapter and the public interest;

2625 ~~((c. any authorized alteration to the critical area or critical area buffer is the~~
2626 ~~minimum necessary to allow for reasonable use of the property;)) and~~

2627 ~~((d.))~~ 5. ((f)) For dwelling units, no more than five thousand square feet or ten
2628 percent of the site, whichever is greater, may be disturbed by structures, ((building))

critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system(~~;~~ and

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

~~((C:))~~ F. For the purpose of this section:

1. ~~((("Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities))~~ When a site disturbance is within a critical area or associated buffer, the critical area setback line shall be measured from the edge of a structure to the edge of the approved site disturbance; and

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

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

~~((E:))~~ H. An ~~((applicant))~~ application for an ~~((alteration))~~ exception shall ~~((submit))~~ provide a critical area report~~((, as required by))~~ consistent with K.C.C. 21A.24.110.

2650 I. An exception shall not be approved if the inability of the applicant to derive
2651 reasonable use of the property is the result of actions by the current or prior property
2652 owner.

2653 SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C.
2654 21A.24.090 are hereby amended to read as follows:

2655 ~~((If a development proposal site contains or is within a critical area, the applicant~~
2656 ~~shall submit an affidavit which declares whether))~~ An applicant for a development permit
2657 or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance,
2658 shall provide:

2659 A. A disclosure of critical areas on the development proposal site, including
2660 mapped or identifiable critical areas within the largest potential critical area buffer; and

2661 B. An affidavit indicating whether ((Φ))the applicant has knowledge of any
2662 illegal alteration to ((any or all)) critical areas or associated buffers on the development
2663 proposal site((; and

2664 ~~B. The applicant previously has been found in violation of this chapter, in~~
2665 ~~accordance with K.C.C. Title 23. If the applicant previously has been found in violation,~~
2666 ~~the applicant shall declare whether the violation has been corrected to the satisfaction of~~
2667 ~~King County)).~~

2668 SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby
2669 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2670 SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
2671 are hereby amended to read as follows:

2672 A.~~((1.))~~ A property owner or ~~((the property owner's agent))~~ applicant may
2673 ~~((request))~~ apply for a critical area designation for part or all of a site ~~((, without seeking~~
2674 ~~a permit for a development proposal, by filing with the department a written application~~
2675 ~~for a critical area designation on a form provided by the department))~~.

2676 1. ~~((If the request is for review of a portion of a site, t))~~The application shall
2677 include a map identifying ~~((the portion of))~~ the ~~((site for which the designation is sought))~~
2678 parcel.

2679 2. ~~((The designation may include an evaluation or interpretation of the~~
2680 ~~applicability of critical area buffers and other critical area standards to a future~~
2681 ~~development proposal.))~~ Supporting critical area reports consistent with K.C.C.
2682 21A.24.110 may be required by the department.

2683 B. ~~((In preparing the critical area designation, the department shall perform a~~
2684 ~~critical area review to:~~

2685 1. ~~Determine whether any critical area exists on the site and confirm its type,~~
2686 ~~location, boundaries and classification;~~

2687 2. ~~Determine whether a critical area report is required to identify and~~
2688 ~~characterize the location, boundaries and classification of the critical area;~~

2689 3. ~~Evaluate the critical area report, if required; and~~

2690 4. ~~Document the existence, location and classification of any critical area.~~

2691 C. ~~If required by the department, the applicant for a critical area designation shall~~
2692 ~~prepare and submit to the department the critical area report required by subsection B.2.~~
2693 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~

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

~~D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one hundred twenty day period. If the determination applies to less than an entire site, the determination))~~ The department shall evaluate and determine the existence, location, and classification of any critical areas within the area indicated on the application. The designation shall clearly identify the portion of the ((site)) parcel to which the determination applies.

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

~~((a.))~~ 1. ((t)) There is a change in site conditions;
~~((b.))~~ 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration or the adoption of revised methods for critical area classification; or

3. A county, state, or federal agency adopts one of the following critical area maps that conflict with the department's ((written)) determination((-));

- a. Critical aquifer recharge areas;
- b. Wildlife habitat network;
- c. Channel migration zones;

d. Flood hazard areas.

~~((2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.~~

~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.))~~

SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ~~((Before any clearing, grading or site preparation, t))~~The department shall perform a critical area review ~~((for any))~~ of development ~~((proposal))~~ permit applications or other request ~~((for permission))~~ to alter a site to determine ~~((whether there is))~~:

- 2740 1. The existence, location, and classification of ((A)) critical areas and active
2741 breeding sites of protected species:
- 2742 a. on the ((development proposal)) site; and
2743 ~~((2. An active breeding site of a protected species on the development proposal~~
2744 ~~site; or~~
- 2745 3. ~~A critical area or active breeding site of a protected species that has been~~
2746 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~
2747 ~~from the boundaries of the site)) b. within three hundred feet of the site that can be~~
2748 identified by use of available data and methods, including, but not limited to, visual
2749 observations from right-of-way or property with right of entry, mapping, aerial imagery,
2750 and other critical area determinations and critical area reports;
- 2751 2. The boundaries of critical area buffers and critical area setbacks that apply to
2752 the site and area within three hundred feet of the site, consistent with the standards and
2753 regulations of this chapter; and
- 2754 3. Compliance with all other standards and regulations of this chapter.
- 2755 B. As part of the critical area review, the department shall review ~~((the critical~~
2756 ~~area reports and determine))~~ whether:
- 2757 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area
2758 designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;
- 2759 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical
2760 area reports are required;

2761 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,
2762 associated buffers, and critical area setbacks have been applied to the site and accurately
2763 identified, delineated, and classified in the application;

2764 4. ~~((The sequence))~~ Proposed alterations comply with avoidance and mitigation
2765 sequencing in K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas~~
2766 ~~and critical area buffers)); ((and))~~

2767 5. Proposed ~~((M))~~ mitigation measures to compensate for ~~((adverse))~~ impacts to
2768 critical areas ~~((is required and whether the mitigation and monitoring plans and bonding~~
2769 ~~measures proposed by the applicant are sufficient to protect the general public health,~~
2770 ~~safety and welfare,))~~ and associated buffers are in compliance with K.C.C. 21A.24.130
2771 and all other applicable requirements of this chapter; and

2772 6. Proposed alterations are consistent with the goals, purposes, objectives, and
2773 requirements of this chapter.

2774 C. If a development proposal does not involve any site disturbance, clearing, or
2775 grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04,
2776 critical area review is not required, unless the development proposal is located within a:

- 2777 1. Flood hazard area;
- 2778 2. Critical aquifer recharge area; or
- 2779 3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area,
2780 seismic hazard area, or coal mine hazard area and the proposed development will cause
2781 additional loads on the foundation, such as by expanding the habitable square footage of
2782 the structure or by adding or changing structural features that change the load bearing
2783 characteristics of the structure.

2784 D. The determinations made under critical area review of a development proposal
2785 permit application shall be consolidated with and subject to the same appeal process as
2786 the underlying development proposal, except for any determinations made under an
2787 effective critical area designation under K.C.C. 21A.24.500, as recodified by this
2788 ordinance, that are classified as an standalone decision under K.C.C. 20.20.020.

2789 SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C.
2790 21A.24.110 are hereby amended to read as follows:

2791 A. ~~((An applicant for a development proposal that requires))~~ A critical area report
2792 may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or
2793 K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit
2794 the scope of a critical area report ((at a level determined by the department)) if
2795 information is not needed to adequately evaluate the proposal and all probable impacts.

2796 B. In addition to the requirements in this section, critical area reports shall also
2797 include ecological and geological report information in sections 58 and 59 of this
2798 ordinance based on the affected critical area:

2799 1. Geological critical area report requirements under section 58 of this
2800 ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard
2801 areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic
2802 hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and
2803 associated buffers; and

2804 2. Ecological critical area report requirements under section 59 of this
2805 ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation
2806 areas, wildlife habitat networks, and associated buffers.

2807 B. ~~((The applicant may combine a-e))~~ Critical area reports may be combined with
2808 any additional studies required by other laws and regulations.

2809 C. If the development proposal will affect only a part of the development
2810 proposal site, the department may limit the scope of the required critical area report to
2811 include only that part of the site that is affected by the development proposal.

2812 D.1. Floodplain development that was not assessed through the King County
2813 Programmatic Habitat Assessment prepared for the National Flood Insurance program
2814 and the Endangered Species Act shall include an assessment of the impact of the
2815 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2816 a. ~~((A))~~ a Biological Evaluation or Biological Assessment that has received
2817 concurrence from the United States Fish and Wildlife Service or the National Marine
2818 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2819 b. ~~((D))~~ documentation that the activity fits within a Habitat Conservation Plan
2820 approved pursuant to Section 10 of the Endangered Species Act;

2821 c. ~~((D))~~ documentation that the activity fits within Section 4(d) of the
2822 Endangered Species Act; or

2823 d. ~~((A))~~ an assessment prepared in accordance with Regional Guidance for
2824 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

2825 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or
2826 more))~~ of the following:

2827 (1) the primary constituent elements identified when a species is listed as
2828 threatened or endangered;

- 2829 (2) Essential Fish Habitat designated by the National Marine Fisheries
2830 Service;
- 2831 (3) fish and wildlife habitat conservation areas;
- 2832 (4) vegetation communities and habitat structures;
- 2833 (5) water quality;
- 2834 (6) water quantity, including flood and low flow depths, volumes, and
2835 velocities;
- 2836 (7) the river or stream channel's natural planform pattern and migration
2837 process;
- 2838 (8) spawning substrate, if applicable; and
- 2839 (9) floodplain refugia, if applicable.

2840 ~~((2. The department must require a project with adverse effects to comply with~~
2841 ~~the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125~~
2842 ~~and 21A.24.130)).~~

2843 NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24
2844 a new section to read as follows:

- 2845 A. A geological critical area report shall meet the requirements of this section.
- 2846 B. The geological critical area report shall address all areas of the proposed
2847 development site and geologically hazardous areas within three hundred feet of the site or
2848 that have the potential to affect or be affected by the proposal.
- 2849 C. The geological critical area report shall be prepared, stamped, and signed by a
2850 geological professional. The geological assessment shall include a field investigation and
2851 may include the use of historical aerial photo analysis, review of public records and

documentation, and interviews with adjacent property [owners](#) or others knowledgeable about the area, as well as other methods approved by the department. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

D. The geological critical area report shall contain, at a minimum, the following information:

1. Basic information including:

a. the name and contact information of the [applicant](#); the name, qualifications, and contact information for the primary author or authors of the report; and a description of the proposal; and

b. parcel number or numbers of the site;

2. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and above and below ground utilities;

b. the extent, quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient;

d. a description and location of the surface and subsurface hydrology, including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface expressions of groundwater. The director may require a hydrogeologic report to accompany the geotechnical assessment if impacts are anticipated;

2875 e. identification and characterization of all critical areas and buffers and areas
2876 within the shoreline jurisdiction;

2877 3. A site plan that includes:

2878 a. the existing topography with vertical contour intervals of five feet or less,
2879 for the entire site and abutting public rights-of-way, private roads, or access easements;

2880 b. significant geologic contacts, landslides, or downslope soil movement on
2881 and within three hundred feet of the site;

2882 c. all identified geologically hazardous areas, buffers, and critical area
2883 setbacks;

2884 d. exploration locations;

2885 e. locations of proposed development and clearing limits, if known;

2886 f. transects of any provided cross-sections;

2887 g. drainage flow characteristics including pipes, drains, catch basins, drainage
2888 structures, culverts, underdrain pipes, and other structures;

2889 4. A description of the geological conditions of the soils and bedrock that
2890 includes:

2891 a. references to mapped geological soil and bedrock units, seismic faults,
2892 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and
2893 historical coal mines;

2894 b. data regarding underlying geology, slope gradients, soil types, and
2895 subsurface information including boring or test pit logs describing soil stratification, and
2896 results of soil tests conducted.

- 2897 c. a description of the [soils](#) in accordance with the Natural Resource
2898 Conservation Service, indicating the potential for erosion;
2899 d. review of the site history regarding landslides, erosion, and prior grading;
2900 e. geomorphological features of the site visible through site inspection, aerial
2901 photography, LIDAR imagery, or topographic contours;
2902 f. on-site soil explorations of sufficient location, distribution, and depth to
2903 adequately characterize the subsurface conditions of the site. Soils analysis shall be
2904 accomplished in accordance with accepted classification systems in use in the region;
2905 g. engineering properties of the subsurface soils or bedrock or both;
2906 h. identification of all existing fill areas;
2907 i. the location or evidence of seismic faults and soil conditions indicating the
2908 potential for liquefaction;
2909 5. A hazard analysis and finding of risks associated with relevant geologic
2910 hazards and the potential impacts to public safety, the hazard area, and the subject
2911 property, including, but not limited to:
2912 a. slope stability;
2913 b. potential for liquefaction hazard;
2914 c. debris runout, including from upslope on the site or from neighboring
2915 properties and on down slope properties from the site and proposed development;
2916 d. channel migration;
2917 e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts
2918 to existing or proposed development from waves or currents, stream meandering, or other

erosional forces to determine the recommended solution for bank or shoreline stabilization in conformance with K.C.C. 21A.25.170;

6. An evaluation of proposed development which includes:

a. the location and description of proposed development activity;

b. the method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the Surface Water Design Manual;

c. the locations and methods for temporary and permanent erosion control;

d. recommendations for temporary and permanent structure siting limitations, and foundation type and depth;

e. recommendations on minimum buffers and setbacks for the specific geological hazard;

f. recommendations for grading procedures, fill placement and compaction criteria, handling contaminated soils and materials, temporary and permanent slope inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

g. an estimate of bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;

h. recommendations for engineering mitigation of hazards; and

i. recommendations for vegetation management to mitigate hazards;

7. A determination stating whether the alterations minimize risks to people and development in accordance with the development standards of this chapter, and rationale

2941 to support the determination based on the presented data, analysis, and scientific and
2942 engineering practice;

2943 8. An evaluation of how avoidance and mitigation sequencing, consistent with
2944 K.C.C. 21A.24.125, was applied to the development proposal.

2945 9. All subsurface exploration logs, test logs and results, and other data sources
2946 used in the analyses, and

2947 10. Any other information determined by the department to be necessary to
2948 determine compliance with this chapter, including, but not limited to, the use of LIDAR,
2949 technical reports, soil field or laboratory testing, studies or documents related to geologic
2950 hazards, or models for estimating how far landslide materials will travel.

2951 NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24
2952 a new section to read as follows:

2953 A. An ecological critical area report shall meet the requirements of this section.

2954 B. The ecological critical area report shall address all areas of the proposed
2955 development site and ecological critical areas within three hundred feet of the site or that
2956 have the potential to affect or be affected by the proposal.

2957 C. The ecological critical area report shall be prepared and signed by an
2958 ecological professional.

2959 D. The ecological critical area report shall contain, at a minimum, the following
2960 information:

2961 1. Wetland, aquatic area, and riparian area delineation that includes:
2962 a. identification of wetlands and delineation of associated boundaries in
2963 accordance with the approved federal wetland delineation manual and applicable regional

- 2964 supplement as set forth in WAC 173-22-035, including completed data forms and data
2965 point locations;
- 2966 b. rating of wetlands in accordance with the Washington State Wetland Rating
2967 System for Western Washington Version 2.0, Washington state Department of Ecology
2968 publication number 23-06-009, published 2014 and updated 2023, including completed
2969 rating forms;
- 2970 c. identification of aquatic area locations, typing, and ordinary high water
2971 mark;
- 2972 d. identification of severe channel migration hazard areas and floodplains; and
2973 e. determination of applicable wetland buffers and riparian areas;
- 2974 2. A wildlife study and habitat assessment that identifies any known nests or
2975 breeding sites and potential habitat for any federal or state listed endangered, threatened,
2976 sensitive, or candidate species or King County species of local importance, and delineates
2977 any known wildlife habitat conservation areas and wildlife habitat networks;
- 2978 3. A description of existing on-site and adjacent site conditions that includes:
- 2979 a. existing development, including, but not limited to, structures, roads,
2980 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing
2981 development is not legally established;
- 2982 b. the extent and dominant species composition of existing vegetative cover;
- 2983 c. existing hydrologic characteristics of any wetland or aquatic areas, including
2984 sources of hydrology;
- 2985 d. functions and values of all critical areas present; and

e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development activity. The department may require tree locations to be surveyed;

4. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

5. If impacts to critical areas or buffers are proposed, an analysis that includes:

a. calculation of square footage of direct permanent impacts to each critical area and buffer;

b. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

c. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021;

d. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

e. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the Surface Water Design Manual; and

3007 f. a tree risk assessment prepared by an arborist certified by the International
3008 Society of Arboriculture for any hazard trees proposed for removal within critical areas
3009 or associated buffers;

3010 6. A mitigation plan that includes:

3011 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,
3012 or creation of critical areas and associated buffers for which mitigation is required;

3013 b. description of on-site mitigation activities proposed and justification that
3014 impacts will be adequately offset to ensure no net loss of critical area functions and
3015 values, including use of the credit-debit method as applicable for wetland impacts in
3016 accordance with Washington state Department of Ecology's Calculating Credits and
3017 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,
3018 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

3019 c. calculations of mitigation area required for permanent impacts or long-term
3020 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

3021 d. calculation of restoration area required for temporary impacts where
3022 ecological functions are expected to be restored within one year;

3023 e. depiction of proposed mitigation and restoration areas and example of
3024 planting plan, including irrigation if applicable;

3025 f. plan for installation of wildlife lighting;

3026 g. depiction of wildlife-passable fencing and permanent critical area signs at
3027 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

h. rationale for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equal or better ecological functions will be achieved;

7. A monitoring plan that includes:

a. a monitoring schedule of at least five years, unless otherwise directed by the department to address site-specific conditions such as inclination over twenty percent, excessively drained soils, or mitigation occurs in wetland;

b. success criteria for mitigation activities to meet at the end of each monitoring year;

c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area;

d. a maintenance plan to ensure success criteria are met; and

e. a contingency plan if it is determined that mitigation fails to meet success criteria;

8. A site plan depicting:

a. critical areas on the site and within three hundred feet of the site;

b. buffer widths;

c. critical area setbacks;

d. existing and proposed alterations, including, but not limited to, structures, impervious surfaces, utilities, clearing, landscaping, and grading; and

e. property lines, setbacks, and easements; and

9. Additional information determined by the department to be necessary to comply with this chapter.

3051 SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C.
3052 21A.24.125 are hereby amended to read as follows:

3053 ~~((A. An applicant for a development proposal or alteration, shall apply the~~
3054 ~~following sequential measures, which appear in order of priority,))~~ When an alteration to
3055 a critical area is proposed, the following avoidance and mitigation sequencing shall be
3056 applied in the following order of priority to avoid and minimize impacts to critical areas
3057 and critical area buffers:

3058 ~~((1.))~~ A. Avoiding the impact or hazard by not taking a certain action;

3059 ~~((2.))~~ B. Minimizing the impact or hazard by:

3060 ~~((a.))~~ 1. limiting the degree or magnitude of the action with appropriate
3061 technology; or

3062 ~~((b.))~~ 2. taking affirmative steps to avoid or reduce impacts, such as project
3063 redesign, relocation, or timing;

3064 ~~((3.))~~ C. Rectifying the impact ~~((to critical areas))~~ by repairing, rehabilitating, or
3065 restoring the affected critical area or its buffer;

3066 ~~((4.))~~ D. Minimizing or eliminating the hazard by restoring or stabilizing the
3067 hazard area through engineered or other methods;

3068 ~~((5.))~~ E. Reducing or eliminating the impact or hazard over time by preservation
3069 or maintenance operations during the life of the ~~((development proposal or))~~ alteration;

3070 ~~((6.))~~ F. Compensating for the ~~((adverse))~~ impact by replacing or enhancing
3071 critical areas and their buffers or creating substitute critical areas and their buffers; and

3072 ~~((7.))~~ G. Monitoring the impact, hazard, or success of required mitigation and
3073 taking ~~((remedial))~~ corrective action.

3074 ~~((B. The specific mitigation requirements of this chapter for each critical area or~~
3075 ~~requirements determined through the resource mitigation reserves program apply when~~
3076 ~~compensation for adverse impacts is required by the sequence in subsection A. of this~~
3077 ~~section.))~~

3078 SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C.
3079 21A.24.130 are hereby amended to read as follows:

3080 A. ~~((If m))~~Mitigation ~~((is))~~ required under this chapter ~~((to compensate for~~
3081 ~~adverse impacts, unless otherwise provided, an applicant))~~ shall:

3082 1. ~~((Mitigate adverse impacts to:~~
3083 a. ~~critical areas and their buffers; and~~
3084 b. ~~the development proposal as a result of the proposed alterations on or near~~
3085 ~~the critical areas; and~~

3086 2. ~~Monitor the performance of any required mitigation))~~ Only occur after
3087 avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

3088 2. Achieve no net loss of critical area functions;
3089 3. Prevent risk from hazards posed by the critical area; and
3090 4. Not create impacts on other critical area functions.

3091 B. ~~((The department shall not approve a development proposal until mitigation~~
3092 ~~and monitoring plans are in place to mitigate for alterations to critical areas and buffers))~~
3093 Preferential consideration shall be given to measures that replace the impacted functions
3094 directly and in the immediate vicinity of the impact.

3095 C. ~~((Whenever mitigation is required, an applicant shall submit a critical area~~
3096 ~~report that includes:~~

3097 1. ~~An analysis of potential impacts;~~
3098 2. ~~A mitigation plan that meets the specific mitigation requirements in this~~
3099 ~~chapter for each critical area impacted; and~~
3100 3. ~~A monitoring plan that includes:~~
3101 a. ~~a demonstration of compliance with this title;~~
3102 b. ~~a contingency plan in the event of a failure of mitigation or of unforeseen~~
3103 ~~impacts if:~~
3104 (1) ~~the department determines that failure of the mitigation would result in a~~
3105 ~~significant impact on the critical area or buffer; or~~
3106 (2) ~~the mitigation involves the creation of a wetland; and~~
3107 c. ~~a monitoring schedule that may extend throughout the impact of the activity~~
3108 ~~or, for hazard areas, for as long as the hazard exists.))~~ A critical area report and
3109 mitigation and monitoring plan is required for any development proposal that includes
3110 mitigation.
3111 D. The department shall require appropriate safeguards, terms, or conditions as
3112 necessary to ensure no net loss of critical area functions as conditions of approval for
3113 mitigation measures, including, but not limited to, conservation easements, financial
3114 guarantees in accordance with K.C.C. Title 27A, and performance monitoring.
3115 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves
3116 ~~((the))~~ mitigation and monitoring plans. The applicant shall notify the department when
3117 mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King
3118 County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections
3119 during ~~((any))~~ the monitoring period.

3120 ~~((E-))~~ F. If monitoring reveals a significant deviation from predicted impact or a
3121 failure of mitigation requirements, the applicant shall implement an approved
3122 contingency plan. The contingency plan constitutes new mitigation and is subject to all
3123 mitigation requirements, including a revised monitoring plan, ~~((and))~~ revised financial
3124 guarantees, ~~((requirements))~~ and an extension of the monitoring period by at least two
3125 years.

3126 SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C.
3127 21A.24.133 are hereby amended to read as follows:

3128 A. ~~((To the maximum extent practical, an applicant shall mitigate adverse~~
3129 ~~impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat~~
3130 ~~network))~~ Mitigation shall be prioritized on or contiguous to the development site.
3131 Preferential consideration shall be given to measures that replace the impacted functions
3132 directly and in the immediate vicinity of the impact.

3133 B. The department may approve mitigation that is off-site ~~((the development~~
3134 ~~site))~~ if an applicant demonstrates that:

3135 1. It is not practical to mitigate on or contiguous to the development proposal
3136 site; ~~((and))~~

3137 2. The off-site mitigation will achieve ~~((equivalent or greater))~~ equal or better
3138 hydrological, water quality, and ~~((wetland or aquatic area))~~ habitat functions((-)); and

3139 3. The off-site mitigation addresses limiting factors or identified critical needs
3140 for critical area resource conservation based on watershed or comprehensive resource
3141 management plans applicable to the area of impact.

3142 B. ~~((When off-site mitigation is authorized, t))~~The department shall give priority
3143 to locations within the same drainage subbasin as the development proposal site and that
3144 meet the following:

3145 1. Mitigation banking sites and resource mitigation reserves as authorized by
3146 this chapter;

3147 2. Private mitigation sites that are established in compliance with the
3148 requirements of this chapter and approved by the department; ~~((and))~~ or

3149 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~
3150 supported by ecological assessments, including wetland and aquatic areas established as
3151 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

3152 C. The department ~~((may))~~ shall require ~~((documentation))~~ that the mitigation site
3153 ~~((has been))~~ be permanently preserved from future development or alteration that would
3154 be inconsistent with the functions of the mitigation. The applicant shall provide
3155 documentation ~~((may include, but is not limited to,))~~ such as a conservation easement or
3156 other agreement between the applicant and owner of the mitigation site. King County
3157 may enter into agreements or become a party to any easement or other agreement
3158 necessary to ensure that the site continues to exist in its mitigated condition.

3159 D. The department shall maintain a list of sites available for use for off-site
3160 mitigation projects.

3161 E.1. The department ~~((and the department of natural resources and parks have~~
3162 ~~develop a program to allow the payment of a fee in lieu of providing mitigation on a~~
3163 ~~development site.))~~ may approve mitigation through the King County mitigation reserve
3164 program. The program addresses:

3165 a. when the payment of a fee is allowed considering the availability of a site in
3166 geographic proximity with comparable hydrologic and biological functions and potential
3167 for future habitat fragmentation and degradation; and

3168 b. the use of the fees for mitigation on public or private sites that have been
3169 ~~((ranked according to ecological criteria through one or more programs that have~~
3170 ~~included a public process))~~ selected using a watershed approach, in accordance with the
3171 approved in-lieu fee program instrument.

3172 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
3173 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an
3174 electronic copy with the clerk of the council, who shall retain the original and provide an
3175 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
3176 transportation economy and environment committee or its successor. The report should
3177 address the following:

- 3178 a. information on the amount and source of revenues received by the program;
3179 b. a description and rationale for projects selected for funding;
3180 c. an accounting of budgeted and actual expenditures made; and
3181 d. the status of all projects approved in the previous five years, and anticipated
3182 completion date for those projects, if not yet complete.

3183 NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter
3184 21A.24 a new section to read as follows:

- 3185 A. Revegetation in critical areas and critical area buffers shall:
- 3186 1. Meet the mitigation requirements under this chapter;
- 3187 2. Provide equal or better ecological function compared to existing conditions;

- 3188 3. Replicate the structure and function of the historic natural plant community,
3189 except when restoring temporary impacts to a legally altered plant community;
- 3190 4. Use only native or climate-adaptive plant species that are well suited to thrive
3191 in the current and future site conditions;
- 3192 5. Prioritize the selection of native vegetation, with the use of climate-adaptive
3193 plants only when appropriate for site conditions; and
- 3194 6. Include measures to restore soil and hydrologic functions when necessary.
- 3195 B. The department shall consider site-specific conditions and may allow
3196 modifications to planting plans for planting success.
- 3197 C.1. The department of natural resources and parks shall adopt a public rule
3198 establishing a list of climate-adaptive plants after consultation with Indian tribes and the
3199 department of local services.
- 3200 2. In addition to the notification procedures required by K.C.C. chapter 2.98 and
3201 under the State Environmental Policy Act, for the initial rule making under this section
3202 and each subsequent update to the public rule, the director of natural resources and parks
3203 shall:
- 3204 a. request comment from Indian tribes no less than 60 days before the adoption
3205 of the final rule;
- 3206 b. meet with and consider the comments of Indian tribes before adoption of the
3207 final rule; and
- 3208 c. provide, as supplemental material to the final rule, a summary of comments
3209 received from Indian tribes on the list of climate-adaptive plants, and a response to each
3210 of the comments with how the final rule addresses the comments.

3. The initial public rule shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows:

A. Except as otherwise provided in subsection ~~((of))~~ C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established ~~((as a result of development))~~ shall file a notice on title ~~((approved by King County))~~ with the records and licensing services division. The notice on title shall be on a form approved by the department and inform the public of:

1. The presence of critical areas ~~((or))~~, buffers, or mitigation sites on the property;
2. The application of this chapter to the property; ~~((and))~~
3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and
4. The existence of approved wetland buffer or riparian area averaging or reductions on the property.

B. ~~((The applicant for a development proposal shall submit p))~~ Proof that the notice ~~((required by this section))~~ on title has been filed ~~((for public record))~~ shall be submitted before ~~((King County))~~ the department approves any development proposal for

the property or ~~((;)) before recording~~ in the case of subdivisions, short subdivisions, and binding site plans ~~((, at or before recording of the subdivision, short subdivision, or binding site plan))~~.

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility;
2. The development proposal does not require ~~((sensitive))~~ critical area review under K.C.C. 21A.24.100.C.; or
3. The property only contains a critical aquifer recharge area or an erosion hazard area.

D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances:

1. The department, as part of a critical area review of a permit application or a critical area designation, determines the information contained in an existing notice on title is no longer accurate, such as in its type or location; or
2. An adopted critical areas map was updated indicating a reclassification or declassification of one of the following critical areas on the subject property:
 - a. critical aquifer recharge areas;
 - b. wildlife habitat network;
 - c. channel migration zones;
 - d. flood hazard areas.

3256 SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C.

3257 21A.24.180 are hereby amended to read as follows:

3258 A. ~~((The applicant))~~ Critical area tracts protect and enhance critical area
3259 functions and values, including, but not limited to, providing fish and wildlife habitat,
3260 and protecting the public from geologic hazards and increased stormwater runoff.
3261 Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to
3262 delineate and protect ~~((those))~~ the following critical areas and associated buffers ~~((listed~~
3263 ~~below in development proposals for subdivisions, short subdivisions or binding site plans~~
3264 ~~and shall record the tracts on all documents of title of record for all affected lots))~~:

- 3265 1. ~~((All))~~ Landslide hazard areas and buffers that are one acre or more in size;
3266 2. ~~((All-s))~~ Steep slope hazard areas and buffers that are one acre or more in size;
3267 3. ~~((All-w))~~ Wetlands and buffers; ~~((and))~~
3268 4. ~~((All-a))~~ Aquatic areas ~~((and buffers))~~;
3269 5. Riparian areas;
3270 6. Alluvial fan hazard areas that are one acre or more in size; and
3271 7. Wildlife habitat networks.

3272 B. A critical area tract established under subsection A. of this section shall be
3273 held either:

3274 1. ~~((held))~~ in an undivided interest by each owner of a building lot within the
3275 development with this ownership interest passing with the ownership of the lot~~((s))~~;¹ or

3276 2. ~~((shall be held))~~ by an incorporated homeowner's association or other legal
3277 entity that ensures the ownership, maintenance², and protection of the tract.

3278 C. (~~The long-term management goals for critical area tracts established under~~
3279 ~~subsection A. of this section are to protect and enhance critical area functions and values,~~
3280 ~~including, but not limited to, providing fish and wildlife habitat and protecting the public~~
3281 ~~from geologic hazards and increased stormwater runoff.)) The specific management~~
3282 strategy for each tract shall be clearly defined before preliminary approval of the
3283 subdivision or binding site plan.

3284 D. For an off-site mitigation area, the applicant shall place the mitigation area in
3285 a critical area tract in accordance with subsection A. of this section, or in a perpetual
3286 conservation easement as approved by the director.

3287 E. In lieu of the requirements of subsections A. and D. of this section, the director
3288 may allow an applicant to include critical areas in resource tracts established under
3289 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the
3290 purpose of the resource portion is for resource management and the purpose of the
3291 designated critical areas is for critical area protection and enhancement and protecting the
3292 public from geologic hazards and increased stormwater runoff.

3293 (~~E.~~) F. Site plans submitted as part of building permits, clearing, and grading
3294 permits, or other development permits shall include and delineate:

3295 1. (~~All of~~) Flood hazard areas, as determined by King County in accordance
3296 with K.C.C. 21A.24.230;

3297 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard
3298 areas;

3299 3. Aquatic areas, riparian areas, and wetlands;

3300 4. Wildlife habitat conservation areas and (~~the~~) wildlife habitat networks;

3301 5. Critical area ~~((B))~~ buffers; and

3302 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

3303 ~~((F-))~~ G. If only a part of the development site has been mapped, the part of the
3304 site that has not been mapped shall be clearly identified and labeled on the site plans.

3305 SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C.

3306 21A.24.200 are hereby amended to read as follows:

3307 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures
3308 shall be set back a minimum distance of ~~((fifteen))~~ ten feet from the outside edges of all
3309 critical areas and critical area buffers ~~((or from the edges of all critical areas, if no buffers~~
3310 ~~are required))~~. ~~((When the))~~ If site disturbance is within a critical area or an associated
3311 buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building~~
3312 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance. The
3313 following are allowed in the ~~((building))~~ critical area setback area:

3314 A. Landscaping;

3315 B. Uncovered decks;

3316 C. Building overhangs if the overhangs do not extend more than eighteen inches
3317 into the setback area;

3318 D. Impervious ground surfaces, such as driveways and patios ~~((, but the))~~;
3319 however, improvements are required to meet any special drainage provisions specified in
3320 public rules adopted for ~~((the various))~~ critical areas and the Surface Water Design
3321 Manual;

3322 E. Utility service connections as long as the excavation for installation avoids
3323 impacts to the critical area or associated buffer; and

3324 F. Minor encroachments if adequate protection of the buffer will be maintained.

3325 SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C.

3326 21A.24.275 are hereby amended to read as follows:

3327 The following development standards apply to development proposals and
3328 alterations on sites within channel migration zones that have been mapped and adopted
3329 by public rule:

3330 A. The development standards that apply to the ~~((aquatic area buffers))~~ riparian
3331 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ~~((zone))~~ hazard
3332 areas and the portion of the moderate channel migration ~~((zone))~~ hazard areas that is
3333 within the ~~((aquatic area buffer))~~ riparian areas. The more-restrictive standards apply
3334 where there is a conflict;

3335 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a
3336 severe channel migration hazard area; and

3337 C. The following standards apply to development proposals and alterations
3338 within the moderate channel migration hazard area:

3339 1. Maintenance, repair, or expansion of any use or structure is allowed if the
3340 existing structure's footprint is not expanded towards any source of channel migration
3341 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3342 2. New primary dwelling units, accessory dwelling units, or accessory living
3343 quarters, and required infrastructure, are allowed if:

3344 a. the structure is located on a ~~((separate))~~ legally established lot in existence
3345 on or before February 16, 1995;

b. a feasible alternative location outside of the channel migration hazard area is not available on((-) the site; and

c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:

(1) the least subject to risk; or

(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:

a. a feasible alternative location is not available on-site; and

b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside (~~(an aquatic area buffer)~~) a riparian area if:

a. All lots contain five-thousand square feet or more of net buildable (~~(land)~~) area outside of the moderate channel migration hazard area;

b. Access to all lots does not cross the moderate channel migration hazard area; and

c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area ~~((with a slope of forty percent or greater))~~ or associated buffer;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ~~((prepared by a geotechnical engineer or geologist.))~~;

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ~~((is))~~ shall be fifty feet~~((-))~~;

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ~~((building))~~ critical area setback in K. C. C. 21A.24.200 to one-hundred feet; and

4. For alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the landslide hazard area;

3391 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3392 allowed alteration, removal of any vegetation from a landslide hazard area or associated
3393 buffer is prohibited;

3394 D. All alterations shall minimize disturbance to the landslide hazard area, slope,
3395 and vegetation unless necessary for slope stabilization; ~~((and))~~

3396 E. Alterations ~~((in a landslide hazard area located on a slope less than forty~~
3397 ~~percent are allowed if:~~

3398 1. ~~The proposed alteration will))~~ shall not decrease slope stability on contiguous
3399 properties; ~~((and~~

3400 2.)) F. The risk of property damage or injury resulting from landsliding ~~((is))~~
3401 shall be eliminated or minimized;

3402 G. The risk of landsliding as a result of slope instability shall be considered to be
3403 minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5
3404 for static conditions and 1.1 for seismic conditions. Except when a more detailed
3405 deformation analysis is conducted, seismicity shall be modeled as a horizontal force
3406 equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as
3407 given for the site in the International Building Code and American Society of Civil
3408 Engineers 7 standard; and

3409 H. Alterations shall comply with the requirements and recommendations of the
3410 geological critical area report.

3411 SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in
3412 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

3413 SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C.

3414 21A.24.310 are hereby amended to read as follows:

3415 The following development standards apply to development proposals and
3416 alterations on sites containing steep slope hazard areas:

3417 A. ~~((Except as provided in subsection D. of this section, u))~~Unless allowed as an
3418 alteration exception under K.C.C. 21A.24.070, only the following alterations ~~((identified~~
3419 ~~in K.C.C. 21A.24.045))~~ are allowed within a steep slope hazard area or associated
3420 buffer((;)):

3421 1. Alterations identified in K.C.C. 21A.24.045;

3422 2. Alterations to steep slopes with a vertical elevation change of up to twenty
3423 feet where no impact will result. The department may approve this exemption based on a
3424 review of and concurrence with a geological critical area report; and

3425 3. Regrading of any slope that was created through previous legal grading
3426 activities. Any slope that remains forty percent or steeper after alterations are completed
3427 are subject to requirements for steep slope hazard areas.

3428 B. A buffer is required from all edges of the steep slope hazard area. To
3429 eliminate or minimize the risk of property damage or injury resulting from slope
3430 instability, landsliding, or erosion caused in whole or part by the development, the
3431 department shall determine the size of the buffer based upon a geological critical area
3432 report ~~((prepared by a geotechnical engineer or geologist. The department of local~~
3433 ~~services shall adopt a public rule to implement this subsection, including implementing~~
3434 ~~the requirements for development and review of a critical area report))~~.

3435 1. For new structures and substantial improvements to existing structures on
3436 sites where any portion of the steep slope hazard area extends into the coastal high hazard
3437 area or sea level rise risk area:

3438 a. The geological critical area report shall include an assessment of current and
3439 future risks of sea level rise conditions anticipated to occur over the next fifty years and a
3440 recommended buffer;

3441 b. If a geological critical area report is not submitted to the department, the
3442 minimum buffer shall be seventy-five feet;

3443 2. For all other development not identified in subsection B.1. of this section:

3444 a. If a geological critical area report is not submitted to or required by the
3445 department, the minimum buffer shall be fifty feet; and

3446 b. For ~~((building permits for))~~ alterations associated with single detached
3447 dwelling units only, the department may waive the ~~((special study))~~ geological critical
3448 area report requirement and authorize buffer reductions if the department determines that
3449 the reduction will adequately protect the proposed development and the ~~((critical area))~~
3450 steep slope hazard area;

3451 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3452 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
3453 prohibited; ~~((and))~~

3454 D. ~~((All alterations are allowed in the following circumstance:~~

3455 1. ~~Slopes which are forty percent or steeper with a vertical elevation change of~~
3456 ~~up to twenty feet if no adverse impact will result from the exemption based on King~~

County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

~~2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes))~~ The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard areas are mapped:

A. The department may approve alterations ~~((to seismic hazard areas))~~ only if:

1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ~~((proposed))~~ development proposal site is not ~~((located in))~~ a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. ~~((Mobile))~~ Manufactured homes;
2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and
3. One-story buildings with less than two-thousand-five hundred~~((s))~~ square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A buffer may be required from the edge of the alluvial fan hazard area. To eliminate or minimize the risk of property damage or injury resulting from inundation, sedimentation, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report.

3502 C. A geological critical area report is required for alterations that are on an
3503 alluvial fan or within fifty feet of an alluvial fan;

3504 D. Alterations shall minimize and not increase the risk of inundation,
3505 sedimentation, channel migration, or erosion on adjacent properties;

3506 E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3507 allowed alteration, removal of any vegetation from an alluvial fan hazard area or
3508 associated buffer is prohibited;

3509 F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope,
3510 and vegetation unless necessary for slope stabilization; and

3511 G. The alteration shall not increase the frequency or magnitude of sediment
3512 management activities or in-stream channel work that could impact fish habitat or
3513 passage.

3514 NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24
3515 a new section to read as follows:

3516 A. This section applies to development proposals on sites that are within tsunami
3517 hazard areas.

3518 B. New and substantially improved residential buildings within a tsunami hazard
3519 area shall be designed to provide protection from inundation and debris impact according
3520 to the projected hazard level. The projected hazard level shall be determined by the
3521 county based on Washington state Department of Natural Resources tsunami inundation
3522 maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and
3523 relevant requirements of the building code in K.C.C. Title 16.

3524 C. Except for buildings that support water-oriented uses, new buildings shall be
3525 located on portions of the parcel or parcels under contiguous ownership that are not
3526 within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under
3527 contiguous ownership are located outside the tsunami hazard area, or if the portion
3528 outside the tsunami hazard area is not feasible for new building purposes, new buildings
3529 shall be located as far from the tsunami hazard area as feasible.

3530 D. New critical facilities shall not be constructed in a tsunami hazard area if there
3531 is a feasible alternative location outside the tsunami hazard area that would serve the
3532 intended service area or service population. If allowed in the tsunami hazard area, the
3533 critical facility shall be designed to minimize the risk and danger to the public health and
3534 safety to the maximum extent practical, which may include, but is not limited to,
3535 preparation of a tsunami evacuation plan.

3536 SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby
3537 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

3538 SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby
3539 amended to read as follows:

3540 Based upon a geological critical area report containing a coal mine hazard
3541 assessment (~~((prepared in accordance with this chapter))~~), the department shall classify
3542 coal mine hazard areas as follows:

3543 A. Declassified coal mine areas are those areas where the risk of catastrophic
3544 collapse is not significant and that the hazard assessment report has determined do not
3545 require special engineering or architectural recommendations to prevent significant risks
3546 of property damage. Declassified coal mine areas typically include, but are not limited

to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((;)) overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow section that77, as recodified by this ordinance.

SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, as modified by notices of map amendment in K.C.C. 21A.24.312.

SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((s)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area ~~((that is or is not classified as a))~~ on the critical aquifer recharge area ~~((on the))~~ map adopted under K.C.C. 21A.24.311:

~~((A.))~~ 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

~~((B.))~~ 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

~~((C.))~~ 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks to the property owner, applicant, if applicable, and the county assessor.

SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

3592 A. Category I critical aquifer recharge areas include those mapped areas that
3593 King County has determined ~~((are))~~:

3594 1. Are ~~((H))~~ highly susceptible to groundwater contamination and that are
3595 located within a sole source aquifer or a wellhead protection area; or

3596 2. Are ~~((F))~~ in an area where hydrogeologic mapping or a numerical flow
3597 transport model in a Washington department of health approved wellhead protection plan
3598 demonstrate that the area is within the one-year time of travel to a wellhead for a Group
3599 A water system;

3600 B. Category II critical aquifer recharge areas include those mapped areas that
3601 King County has determined:

3602 1. Have a medium susceptibility to ground~~((-))~~water contamination and are
3603 located in a sole source aquifer or a wellhead protection area; or

3604 2. Are highly susceptible to groundwater contamination and are not located in a
3605 sole source aquifer or wellhead protection area; and

3606 C. Category III critical aquifer recharge areas include those mapped areas that
3607 King County has determined have low susceptibility to groundwater contamination and
3608 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~
3609 Vashon-Maury Island.

3610 SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C.
3611 21A.24.316 are hereby amended to read as follows:

3612 The following development standards apply to development proposals and
3613 alterations on sites containing critical aquifer recharge areas:

- 3614 A. Except as otherwise provided in subsection H. of this section, the following
3615 new development proposals and alterations are not allowed on a site located in a category
3616 I critical aquifer recharge area:
- 3617 1. Transmission pipelines carrying petroleum or petroleum products;
 - 3618 2. Sand and gravel, and hard rock mining unless:
 - 3619 a. the site has mineral zoning as of January 1, 2005; or
 - 3620 b. ~~((mining))~~ mineral extraction is an ~~((permitted))~~ allowed use on the site and
3621 the critical aquifer recharge area was mapped after the date a complete application for
3622 mineral extraction on the site was filed with the department;
 - 3623 3. ~~((Mining of any type))~~ Mineral extraction below the upper surface of the
3624 saturated ground~~((-))~~water that could be used for potable water supply;
 - 3625 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
 - 3626 5. Hydrocarbon extraction;
 - 3627 6. Commercial wood treatment facilities on permeable surfaces;
 - 3628 7. Underground storage tanks, including tanks that are exempt from the
3629 requirements of chapter 173-360A WAC, with hazardous substances, as defined in
3630 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-
3631 360A WAC and K.C.C. Title 17;
 - 3632 8. Above~~((-))~~ground storage tanks for hazardous substances, as defined in
3633 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3634 containment areas and a spill protection plan;
 - 3635 9. Golf courses;
 - 3636 10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste, as

defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and

has been listed by the Washington ~~((S))~~state Department of Health as meeting treatment

standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

b. ~~((the Seattle King County department of))~~ public health - Seattle & King

County determines that the systems required under subsection A.13.a. of this section will

not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following
new development proposals and alterations are not allowed on a site located in a category
II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground~~((--))~~water
that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Underground storage tanks with hazardous substances, as defined in chapter
70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and
K.C.C. Title 17, ~~((E))~~except for a category II critical aquifer recharge area located over
an aquifer underlying ~~((an island that is surrounded by saltwater, underground storage~~

tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17)) Vashon-Maury Island; and

b. For a category II critical aquifer recharge area located over an aquifer underlying ((an island that is surrounded by saltwater)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((70.105)) 70A.300 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17;

6. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((70.105)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((WAC)) chapter 426-272A WAC; or

b. ((the Seattle-King County department of)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter ~~((43.200))~~ 70A.384 RCW;
2. Hydrocarbon extraction;
3. Commercial wood treatment facilities located on permeable surfaces;
4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-~~360A~~ WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the

standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within ~~((g))~~Urban ~~((g))~~Growth ~~((a))~~Area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the ~~((King County))~~ Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are ~~((permitted))~~ allowed within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ~~((family))~~ detached residence if the requirements of ~~((K.C.C.))~~ King County Board of Health Code BOH 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. a. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health.

b. The owner shall report the results of the test to ~~((Seattle-King County department of))~~ public health – Seattle & King County and to the department of natural resources and parks.

c. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ~~((Seattle-King County department of))~~ public health – Seattle & King County, shall recommend appropriate measures.

d. The owner shall implement all recommended measures in addition to the minimum requirements of this title to prevent saltwater intrusion

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause an ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state ~~((d))~~ Department of ~~((e))~~ Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-530))~~ 173-360A-0130.

3748 SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C.

3749 21A.24.318 are hereby amended to read as follows:

3750 A. Identification of wetlands and delineation of their boundaries shall be done in
3751 accordance with the approved federal wetland delineation manual and applicable regional
3752 supplement as set forth in WAC 173-22-035.

3753 B. Wetlands shall be rated into category I, category II, category III, and category
3754 IV based on the adopted Washington State Wetland Rating System for Western
3755 Washington, Washington state Department of Ecology publication number ((14-06-029))
3756 23-06-009, published October 2014 and updated July 2023.

3757 C. Wetland rating categories shall not recognize illegal modifications.

3758 SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C.

3759 21A.24.325 are hereby amended to read as follows:

3760 A. Except as otherwise provided in this section, buffers shall be provided from
3761 the wetland edge as follows:

3762 1. The buffers shown on the following table apply unless modified in
3763 accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((250))	((190)) <u>225</u>	((125))

	<u>300</u> feet	feet	<u>150</u> feet
Bog	((250)) <u>300</u> feet	((190)) <u>225</u> feet	((125)) <u>150</u> feet
Estuarine	((200)) <u>300</u> feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Coastal Lagoon	((200)) <u>300</u> feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate 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
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((50)) <u>60</u> feet	((40)) <u>45</u> feet	((25)) <u>35</u> feet

3764 2. For purposes of this subsection A., unless the director determines a lesser
3765 level of impact is appropriate based on information provided by the applicant, the
3766 intensity of impact of the adjacent land use is determined as follows:

3767 a. High impact includes:

3768 (1) sites zoned commercial or industrial;

3769 (2) commercial, institutional, or industrial use on a site regardless of the
3770 zoning classification;

3771 (3) nonresidential use on a site zoned ~~((for residential use))~~ RA, UR, or R,
3772 such as telecommunication towers and associated equipment;

3773 (4) high-intensity active recreation use on a site regardless of zoning, such as
3774 golf courses, ~~((ball))~~ sports fields, and similar use;

3775 (5) all sites within the Urban Growth Area, except recreational uses in
3776 subsection A.2.b.(6) and A.2.c.(2) of this section; ((or))

3777 (6) Residential zoning greater than one dwelling unit per acre;
3778 (7) railroads; or

3779 (8) federal and state highways, including on-ramps and exits, state routes, and
3780 other roads associated with high impact land uses;

3781 b. Moderate impact includes:

3782 (1) residential uses on sites zoned residential one dwelling unit per acre or
3783 less;

3784 (2) residential use on a site zoned ~~((rural area, agriculture or forestry))~~ RA, A,
3785 or F;

3786 (3) agricultural uses without an approved farm management plan;
3787 (4) forest service roads and roads associated with moderate impact land uses;
3788 (5) utility corridors or right-of-way shared by several utilities, including
3789 maintenance roads; or

3790 ~~(((5)))~~ (6) moderate-intensity active recreation or open space use, such as
3791 paved trails, parks with biking, jogging, and similar use; and

3792 c. Low impact includes:

3793 (1) forestry uses on a site regardless of zoning classification;
3794 (2) passive recreation uses, such as unpaved trails, nature viewing areas,
3795 fishing and camping areas, and other similar uses that do not require permanent
3796 structures~~((;))~~ on a site regardless of zoning;

3797 (3) agricultural uses carried out in accordance with an approved farm
3798 management plan and in accordance with K.C.C. 21A.24.045(~~((D.53. and K.C.C.~~
3799 ~~21A.24.045.D.54.))~~); or

3800 (4) utility corridors without a maintenance road and little or no vegetation
3801 maintenance.

3802 B. (~~((The department may approve a modification of the minimum))~~) Wetland
3803 buffer width ((required by this section by averaging the buffer width)) averaging may be
3804 allowed if an ecological critical area report demonstrates:

3805 1. a. (~~((The department determines that:~~

3806 ~~a. the b.))~~ Buffer averaging will improve wetland protection if the wetland has
3807 significant differences in characteristics that effect habitat functions, such as a wetland
3808 with a forested component adjacent to a degraded emergent component or a (("))dual-
3809 rated((")) wetland with a Category I area adjacent to a lower-rated area; or

3810 b. averaging includes the corridors of a wetland complex; (~~and~~

3811 ~~2. The resulting buffer meets the following standards:~~

3812 ~~a.))~~ 2. ((t))The total area of the buffer after averaging is ((equivalent)) equal to
3813 or greater than the area of the buffer before averaging;

3814 (~~((b.))~~) 3. ((t))The additional buffer is contiguous with the standard buffer;

3815 (~~((e.))~~) 4. ((t))The buffer at its narrowest point is ((never)) no less than ((either))
3816 seventy-five percent of the required width ((or seventy-five feet for Category I and II,
3817 fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater));

3818 (~~((d. the averaged buffer will not result in degradation of wetland functions and~~
3819 ~~values as demonstrated by critical area report from a qualified wetland professional; and))~~)

3820 5. No net loss of wetland functions and values shall occur as a result of buffer averaging.
3821 Revegetation consistent with section 63 of this ordinance shall be installed in the buffer
3822 where native vegetation does not currently exist;

3823 ~~((e.))~~ 6. ((t))The buffer is increased adjacent to the higher functioning ~~((area~~
3824 ~~of))~~ habitat or more sensitive portion of the wetland and decreased adjacent to the lower-
3825 functioning or less-sensitive portion ~~((as demonstrated by a critical area report from a~~
3826 ~~qualified wetland professional))~~;

3827 7. Buffer averaging is not combined with other buffer reductions or
3828 modifications; and

3829 8. Indirect impacts are assessed and mitigated.

3830 C. Wetland buffer widths shall also be subject to modifications under the
3831 following special circumstances:

3832 1. For wetlands containing documented habitat for endangered, threatened, or
3833 species of local importance, the following shall apply:

3834 a. the department shall establish the appropriate buffer, based on a habitat
3835 assessment, to ensure that the buffer provides adequate protection for the sensitive
3836 species; and

3837 b. the department may apply the buffer reduction rules in subsection C.~~((6))~~5.
3838 of this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section~~((;))~~;

3839 2. For a wetland buffer that includes a steep slope hazard area or landslide
3840 hazard area, the ~~((buffer))~~ width ~~((is))~~ shall be the greater of:

3841 a. the wetland buffer width ~~((required by the wetland's category in this~~
3842 ~~section))~~; or

b. the wetland buffer width, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex (~~located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051~~)), the buffer widths ((is determined)) are as follows:

a. ~~((i))~~The buffer width for each individual wetland ~~((in the complex is the same width as the buffer width required for the category of wetland))~~ shall be consistent with subsection A. of this section;

b. ~~((i))~~If the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

3866 c. ~~((w))~~ Wetlands in a complex that are connected by an aquatic area that flows
3867 between the wetlands are not required to be connected through a corridor;

3868 d. ~~((t))~~ The department may exclude a wetland from the wetland complex if the
3869 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3870 that are commonly recognized to exclusively or partially use wetlands and wetland
3871 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

3872 e. ~~((t))~~ The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
3873 allowed in corridors subject to the same conditions and requirements ~~((as wetland buffers~~
3874 ~~as long as))~~ if the alteration is designed so as not to disrupt wildlife movement through
3875 the corridor;

3876 4. Where a legally established public roadway transects a wetland buffer, the
3877 department may approve a modification of the ~~((minimum))~~ required buffer width to the
3878 edge of the roadway if:

3879 a. the part of the buffer on the other side of the roadway sought to be reduced:
3880 ~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development~~
3881 ~~or the))~~ wetland functions and values from the proposed alteration; and

3882 ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer
3883 functions relating to the other portion of the buffer adjacent to the wetland; and

3884 b. the applicant provides a written evaluation that includes:

3885 (1) a description of the vegetative composition, hydrologic regime,
3886 topography, and development on both sides of the roadway;

3887 (2) an assessment of the functions that the buffer provides on the other side of
3888 the roadway for wildlife habitat, water quality, and water quantity; and

3889 (3) an analysis of how the roadway fully disconnects the buffer from
3890 providing the assessed functions, and whether the disconnection affects the entirety of the
3891 buffer; and

3892 5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
3893 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~
3894 ~~exceed the standard for a low impact land use, unless the department determines that a~~
3895 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

3896 6. ~~The buffer widths required for proposed land uses with~~) For developments
3897 with residential uses, mixed-use, daycares, and social services within the Urban Growth
3898 Area that are categorized as high intensity impacts to wetlands, the buffer widths can be
3899 reduced to those required for moderate ((intensity)) impacts ((under the following
3900 conditions)) if:

3901 a. all the following measures to minimize impacts of the proposed land uses
3902 are applied:

3903 (1) revegetate with dense native vegetation or climate-adaptive plants along
3904 the edge of the buffer and in any other portion of the buffer wherever existing vegetation
3905 is sparse;

3906 (2) install wildlife lighting and direct all light away from the wetland;

3907 (3) locate noise-generating activities away from the wetland;

3908 (4) install wildlife passable fencing at the edge of the wetland buffer;

3909 (5) attach critical area signs to wildlife passable fencing every fifty to
3910 seventy-five linear feet, as determined by the department, so that a sign is visible from
3911 any point along the edge of the critical area or buffer;

3912 (6) submit an integrated pest and weed management plan that prohibits the
3913 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and
3914 (7) demonstrate how each of the following meets the core requirements in the
3915 Surface Water Design Manual, including:
3916 (a) stormwater runoff;
3917 (b) change in water regime; and
3918 (c) erosion and dust control; and
3919 b. ((F))for wetlands that score moderate or high for habitat functions((, which
3920 means six points or higher, the width of the buffer can be reduced if both of the following
3921 criteria are met:
3922 ((1) A))a relatively undisturbed vegetated corridor at least one-hundred feet
3923 wide is protected between the wetland and ((any other Priority Habitats as defined by the
3924 Washington state Department of Fish and Wildlife in the priority habitat and species list))
3925 a legally-protected, relatively undisturbed and vegetated area. The corridor ((must)) shall
3926 be protected for the entire distance ((between the wetland and the priority habitat)) and
3927 ((legally)) recorded via a conservation easement; and
3928 ((2) Measures to minimize the impacts of different land uses on wetlands as
3929 identified in subsection C.6.b. of this section are applied; and
3930 b. For wetlands that score low for habitat, which means less than six points, the
3931 buffer width can be reduced to that required for moderate intensity impacts by applying
3932 measures to minimize impacts of the proposed land uses, as follows:

Disturbance	Measures to minimize impacts
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Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract

	or protect with a conservation easement.
Dust	Use best management practices to control dust.))

3933 c. the development proposal does not impact the reduced buffer.

3934 D. The department may approve a modification to the buffers established in
 3935 subsection A. of this section if the wetland was created or its characterization was
 3936 upgraded as part of a voluntary enhancement or restoration project.

3937 E. If the site is located within the shoreline jurisdiction, the department shall
 3938 determine that a proposal to reduce wetland buffers under this section will result in no net
 3939 loss of shoreline ecological functions or wetland functions and values.

3940 SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C.

3941 21A.24.335 are hereby amended to read as follows:

3942 The following development standards apply to development proposals and
 3943 alterations on sites containing wetlands or ~~((their))~~ associated buffers:

3944 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
 3945 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3946 B. ~~((The a))~~ Applicants may include climate-adaptive plants that have been
 3947 approved by King County in mitigation or restoration projects, but shall not otherwise
 3948 introduce any plant or wildlife that is not indigenous to the Puget Sound ~~((lowland))~~
 3949 region into any wetland or wetland buffer unless authorized by a state or federal permit or
 3950 approval; and

3951 C. ~~((A category IV wetland less than two thousand five hundred square feet that~~
 3952 ~~is not part of a wetland complex may be altered in accordance with an approved~~
 3953 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~

functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and

D.)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045, D.20. and D.((52))51.

SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:

In addition to the requirements in ((K.C.C. 21A.24.125 and 21A.24.130)) this chapter, the following applies to wetland and wetland buffer mitigation ((to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer)):

A. Mitigation measures ((must)) shall achieve ((equivalent or greater)) equal or better wetland functions and values, including, but not limited to:

1. Habitat functions such as complexity, connectivity, and other biological and ecological functions; and

2. Hydrological functions, such as ((S))seasonal hydrological dynamics, as provided in the ((King County)) Surface Water Design Manual;

B. For permanent impacts to a wetland or wetland buffer, ((F))the following ratios of ((area of)) mitigation area to ((area of alteration)) impact area apply ((to mitigation measures for permanent alterations)):

1. For ((alterations)) impacts to a wetland buffer, a ratio of ((one to one; and)) 1:1 on-site, and 2:1 off-site;

2. For ((alterations)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

((Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I wetlands of high	Not allowed	6:1 rehabilitation of a wetland of high	Case-by-case	Case-by-case

conservation value		conservation value		
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by- case))

3976

<u>Category and type of wetland</u>	<u>Wetland reestablishment or creation</u>	<u>Wetland rehabilitation</u>	<u>1:1 Wetland reestablishment or creation (R/C) and wetland enhancement (E)</u>	<u>Wetland enhancement only</u>
<u>Category I wetlands of high conservation value</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>

<u>Category I</u> <u>estuarine</u>	<u>Case-by-case</u>	<u>8:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I</u> <u>coastal lagoon</u>	<u>Not allowed</u>	<u>8:1</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I</u> <u>forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 20:1 E</u>	<u>Case-by-case</u>
<u>All other</u> <u>Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 12:1 E</u>	<u>Case-by-case</u>
<u>Category II</u> <u>estuarine</u>	<u>Case-by-case</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other</u> <u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>

3. For indirect impacts to a wetland, one half of the ratio required by subsection

B.2. of this section.

C. The following ratios ((of area)) of mitigation area to ((area of alteration))

impact area apply to ((mitigation measures for)) temporary ((alterations)) impacts where

wetland((s will)) functions are expected to take longer than one year to be restored.

Temporary impacts do not ((be impacted by)) include permanent fill material((÷)) or

removal of old growth or mature trees, as defined in the Washington state Department of

Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023

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	<u>Reestablishment or creation (or restoration)</u>	Enhancement	Rehabilitation	<u>Reestablishment or creation (or restoration)</u>
Category I	((6)) <u>8</u> :1	((4.5)) <u>6</u> :1	3:1	((3)) <u>4</u> :1	2:1	1.5:1
Category II	((3)) <u>6</u> :1	((2)) <u>3</u> :1	1.5:1	((1.5)) <u>3</u> :1	<u>1.5</u> :1	.75:1
Category III	((2)) <u>4</u> :1	((1.5)) <u>2</u> :1	1:1	((1)) <u>2</u> :1	((.75)) <u>1</u> :1	.5:1
Category IV	((1.5)) <u>3</u> :1	<u>1.5</u> :1	.75:1	((Not applicable)) <u>1.5</u> :1	((Not applicable)) <u>.75</u> :1	((Not applicable)) <u>.25</u> :1

3985 D. The department may increase the mitigation ratios provided in subsections B.

3986 and C. of this section under the following circumstances:

3987 1. The department determines there is uncertainty as to the probable success of
3988 the proposed restoration or creation;

3989 2. A significant period of time will elapse between the impact caused by the
3990 development proposal and the establishment of wetland functions at the mitigation site;

3991 3. The proposed mitigation will result in a lower category wetland or reduced
3992 functions relative to the wetland being impacted; ((or))

3993 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,
3994 as defined in the Federal Standards and Procedures for the National Watershed Boundary
3995 Dataset: United States Geological Survey, 2022, as the impact;

3996 5. The proposed mitigation site differs from the development proposal site in
3997 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat
3998 characteristics;

3999 6. The development proposal site contains documented habitat for federal or
4000 state listed endangered, threatened, sensitive, or candidate species or King County species
4001 of local importance; or

4002 7. The alteration causing the impact was ((an)) unauthorized ((impact)).

4003 E. ~~((The department may decrease the mitigation ratios provided in subsections~~
4004 ~~B. and C. of this section under the following circumstances))~~ Wetland mitigation bank or
4005 in lieu fee program credits may be approved as off-site compensatory mitigation under
4006 K.C.C. 21A.24.133. Instead of mitigation ratios in subsection B. or C. of this subsection,
4007 wetland mitigation bank or in lieu fee program mitigation ratios are as follows:

- 4008 1. ~~((The applicant demonstrates by documentation submitted by a qualified~~
4009 ~~wetland specialist that the proposed mitigation actions have a very high likelihood of~~
4010 ~~success based on hydrologic data and prior experience;~~
- 4011 2. ~~The applicant demonstrates by documentation by a qualified wetland~~
4012 ~~specialist that the proposed actions for compensation will provide functions and values~~
4013 ~~that are significantly greater than the wetland being impacted;~~
- 4014 3. ~~The applicant demonstrates that the proposed actions for mitigation have~~
4015 ~~been conducted in advance of the impact caused by the development proposal and that~~
4016 ~~the actions are successful; or~~
- 4017 4. ~~In wetlands where several wetland hydrogeomorphic classes, including, but~~
4018 ~~not limited to depressional, slope, riverine and flow through, are found within one~~
4019 ~~delineated boundary, the department may decrease the ratios if:~~
- 4020 a. ~~impacts to the wetland are all within an area that has a different~~
4021 ~~hydrogeomorphic class from the one used to establish the category;~~
- 4022 b. ~~the category of the area with a different class is lower than that of the entire~~
4023 ~~wetland; and~~
- 4024 c. ~~the applicant provides adequate hydrologic and geomorphic data to establish~~
4025 ~~that the boundary between the hydrogeomorphic classes lies outside of the footprint of~~
4026 ~~the impacts.)) For wetland mitigation banks certified under Chapter 173-700 WAC, the~~
4027 ~~amount of compensatory mitigation required shall be as follows:~~
- 4028 a. For direct impacts to wetlands and wetland buffers, the ratio shall be
4029 consistent with the approved mitigation banking instrument, with a minimum bank credit
4030 to impact acre ratio of 1:1;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be 1:1; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ~~((alterations))~~ impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the ~~((altered))~~ wetland or wetland buffer; and

G. Mitigation of ~~((an alteration to a buffer of a))~~ wetland buffers ~~((that occurs along an aquatic area))~~ in a lake shoreline ~~((in accordance with an allowed alteration under this chapter))~~ shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ~~((categorized or "as follows"))~~ using the water typing system in WAC 222-16-030 and the following criteria:

4054 1. Type S (~~((waters include))~~) means all aquatic areas, within their bankfull width,
4055 inventoried as (("))shorelines of the state((")) under King County's ((S))shoreline
4056 ((M))master ((P))program,((K.C.C. chapter 21A.25, in accordance with chapter 90.58
4057 RCW)) including periodically inundated areas of their associated wetlands;

4058 2. Type F (~~((waters include all))~~) means segments of aquatic areas (~~((that are not))~~)
4059 other than type S ((waters)), which are within the bankfull widths of defined channels and
4060 periodically inundated areas of their associated wetlands, or within lakes, ponds, or
4061 impoundments having a surface area of one-half acre or greater at seasonal low water and
4062 that contain fish or fish habitat ((, including)) or are described by one of the following
4063 categories:

4064 a. waters diverted for domestic use by more than ten residential or camping
4065 units or by a public accommodation facility licensed to serve more than ten persons,
4066 where such diversion is determined by the department to be a valid appropriation of water
4067 and the only practical water source for such users. Such waters shall be considered to be
4068 Type F upstream from the point of such diversion for one-thousand-five-hundred feet or
4069 until the drainage area is reduced by fifty percent, whichever is less;

4070 b. waters diverted for use by a federal, state, ((or)) tribal, or private fish
4071 hatchery from the point of diversion for one((-)) thousand((-)) five((-)) hundred feet or
4072 the entire tributary if the tributary is highly significant for protection of downstream
4073 water quality;

4074 c. waters within a federal, state, local, or private campground having more than
4075 ten camping units. Water is considered to enter a campground when it reaches the

4076 boundary of the park lands available for public use and comes within one-hundred feet
4077 from a camping unit, trail, or other park improvement; or

4078 d. riverine ponds, wall-based channels, and other channel features that are used
4079 by fish for off-channel habitat. These habitats are identified by their connection to a fish
4080 habitat stream and accessible during some period of the year and accessible to fish.

4081 3. Type N (~~((waters include))~~) means all segments of aquatic areas that are not
4082 type S or F (~~((waters))~~) and that are physically connected to type S or F (~~((waters))~~) by (~~((an~~
4083 ~~above-ground))~~) a channel or piped system, stream, or wetland; and

4084 4. Type O (~~((waters include))~~) means all segments of aquatic areas that are not
4085 type S, F, or N (~~((waters))~~) and that are not physically connected to type S, F, or N
4086 (~~((waters))~~) by a (~~((n above-ground))~~) channel or piped system, (~~((pipe or culvert,))~~) stream, or
4087 wetland, and which infiltrates water into the ground.

4088 B. For the purposes of (~~((the water))~~) aquatic area types in subsection A. of this
4089 section(~~((, an above-ground))~~);

4090 1. A channel system is (~~((considered to be))~~) present if the (~~((one hundred year))~~)
4091 floodplains of both the contributing and receiving waters are connected; and

4092 2. Fish habitat may be classified by:

4093 a. the presence of fish;

4094 b. a stream segment, that is perennial or ephemeral, with a defined channel of
4095 two feet or greater bank full width and a gradient less than twenty percent; or

4096 c. any stream located within the floodplain of type S or F water.

4097 (~~((C. The department may determine that an area upstream of a legal human made~~
4098 ~~barrier is not fish habitat considering the following factors:~~

4099 1. ~~The human-made barrier is located beneath public infrastructure that is~~
4100 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~
4101 ~~public infrastructure;~~

4102 2. ~~The human-made barrier is in the Urban Growth Area established by the~~
4103 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~
4104 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~

4105 3. ~~The human-made barrier is located in a subbasin that is not designated "high"~~
4106 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~
4107 ~~Ordinance 15051; or~~

4108 4. ~~The human-made barrier is not identified for removal by a public agency or~~
4109 ~~in an adopted watershed plan.))~~

4110 SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C.
4111 21A.24.358 are hereby amended to read as follows:

4112 A. ~~((Aquatic area buffers))~~ Riparian areas shall ~~((be measured as follows))~~:

4113 1. ~~((From the ordinary high water mark or from the top of bank if the ordinary~~
4114 ~~high water mark cannot be identified;~~

4115 2. ~~If))~~ Where the adjacent aquatic area is ~~((located within))~~ in a mapped severe
4116 channel migration hazard area~~((, the aquatic area buffer width shall be the greater of the~~
4117 ~~aquatic area buffer width as measured consistent with subsection A.1. of this section or))~~:

4118 a. include the severe channel migration hazard area; and

4119 b. extend from the outer edge of the severe channel migration hazard area;

4120 2. Where the adjacent aquatic area is not in a mapped severe channel migration
 4121 hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from
 4122 the top of bank if the ordinary high water mark cannot be identified; and

4123 3. ~~((If the aquatic area buffer includes a steep slope hazard area or landslide~~
 4124 ~~hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~
 4125 ~~this section or the top of the hazard area)) Extend in all directions from the point at which~~
 4126 the adjacent aquatic area enters or exits an underground conveyance system.

4127 B.1. ~~((Within the Urban Growth Area, aquatic area buffers)) Riparian area widths~~
 4128 shall be as follows:

4129 ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~

4130 2. ~~A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~
 4131 ~~on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~

4132 3. ~~A type N aquatic area buffer is sixty five feet; and~~

4133 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 outside the Urban Growth Area</u>	<u>200 feet</u>
<u>S or F in the Urban Growth Area</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

4134 2. If the riparian area is in a steep slope hazard area or a landslide hazard area,
 4135 the riparian area width is the greater of:

4136 a. the riparian area width as described in this section; or

b. the extent of the landslide or steep slope hazard area upslope up to a maximum total width of twice the riparian area width, as measured perpendicular to the topographic contours;

3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the alluvial fan hazard area.

~~C. ((Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~

~~1. A type S or F aquatic area buffer is one hundred sixty five feet;~~

~~2. A type N aquatic area buffer is sixty five feet; and~~

~~3. A type O aquatic area buffer is twenty five feet.~~

~~D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one hundred feet.~~

~~E. The department may approve a modification of buffer widths if))~~ Riparian area width averaging may be allowed if an ecological critical area report demonstrates:

~~1.((a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:~~

~~(1) the total area of the buffer is not reduced;~~

~~(2) the buffer area is contiguous; and~~

~~(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;~~

4160 ~~b. the applicant demonstrates that the buffer cannot provide certain functions~~
4161 ~~because of soils, geology or topography, in which case the department shall establish a~~
4162 ~~buffer's width that protects the remaining ecological functions that the buffer can provide;~~

4163 ~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In~~
4164 ~~modifying the buffers, the department shall consider factors such as, the basin and~~
4165 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~
4166 ~~condition and the amount of clearing;~~

4167 ~~d. a legally established roadway transects an aquatic area buffer, the roadway~~
4168 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~
4169 ~~the other side of the roadway provides insignificant biological or hydrological function in~~
4170 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

4171 ~~e. the aquatic area is created or its type is changed as a result of enhancement~~
4172 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~
4173 ~~and~~

4174 ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~
4175 ~~shoreline ecological functions will result when considering projects that combine reduced~~
4176 ~~buffers and habitat restoration.)) The total area of the riparian area after averaging is~~
4177 ~~equal to or greater than the total area of the riparian area before averaging;~~

4178 2. The additional riparian area is contiguous with the standard riparian area;

4179 3. The riparian area at its narrowest point is no less than seventy-five percent of
4180 the standard width;

4181 4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological
4182 functions and values shall occur as a result of the averaging. Revegetation consistent

4183 with section 63 of this ordinance shall be installed in the riparian area where native
4184 vegetation does not currently exist;

4185 5. The width of the riparian area is increased adjacent to the higher functioning
4186 habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower
4187 functioning or less sensitive portion;

4188 6. Where the riparian area includes a steep slope, landslide, or alluvial fan
4189 hazard area, the width of the riparian area is not reduced waterward of the hazard areas;
4190 and

4191 7. Riparian area averaging is not combined with any other riparian area width
4192 modifications.

4193 SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C.
4194 21A.24.365 are hereby amended to read as follows:

4195 The following development standards apply to development proposals and
4196 alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

4197 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4198 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~
4199 ~~area buffers))~~ riparian areas;

4200 B. Clearing, ((G))grading ((for allowed alterations in aquatic area buffers is)),
4201 and other site disturbances are only allowed from May 1 to October 1. ~~((This))~~ The
4202 period may be modified or restricted when the department determines it is necessary
4203 along ~~((marine shorelines))~~ aquatic areas to protect critical forage fish and salmonid
4204 migration, ~~((or))~~ as provided in K.C.C. 16.82.095, or as required by a state or federal
4205 permit;

4206 C. The moisture-holding capacity of the topsoil layer on all areas of the site not
4207 covered by impervious surfaces should be maintained by:

- 4208 1. Minimizing soil compaction, or
4209 2. Reestablishing natural soil structure and the capacity to infiltrate;

4210 D. New structures within a ~~((n-aquatic-area-buffer))~~ riparian area should be sited
4211 to avoid the creation of future hazard trees and to minimize the impact on groundwater
4212 movement; ~~((and))~~

4213 E. To the maximum extent practical:

- 4214 1. The soil duff layer should not be disturbed, but if disturbed, should be
4215 redistributed to other areas of the project site where feasible;
4216 2. A spatial connection should be provided between vegetation within and
4217 outside the ~~((aquatic-area-buffer))~~ riparian area to prevent creation of wind throw hazards;
4218 and

4219 3. Hazard trees ~~((should be retained))~~ approved for removal in ~~((aquatic-area~~
4220 ~~buffers))~~ riparian areas ~~((and))~~ should be either topped or pushed over toward the aquatic
4221 area, and not removed from the riparian area; ~~((and))~~

4222 F. A project may include climate-adaptive plants, but shall not otherwise
4223 introduce any plant or wildlife that is not indigenous to the Puget Sound region into an
4224 aquatic area or riparian area unless authorized by state or federal approval; and

4225 G. If a ~~((restoration, enhancement or mitigation))~~ project ~~((proposes to place))~~
4226 includes large wood ~~((woody debris))~~ waterward of the ordinary high water mark of a
4227 ~~((F))~~ type S aquatic area, the applicant shall ~~((consider))~~ minimize the potential for
4228 recreational hazards in project design.

4229 SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C.

4230 21A.24.380 are hereby amended to read as follows:

4231 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~
4232 ~~21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate for the~~
4233 ~~adverse impacts associated with an alteration to))~~ in an aquatic area or ~~((aquatic area~~
4234 ~~buffer))~~ riparian area:

4235 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or
4236 better aquatic or riparian area functions than prealteration conditions, including, but not
4237 limited to:

4238 1. Habitat complexity, connectivity, and other biological and ecological
4239 functions;

4240 2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~
4241 ~~quality))~~; ~~((and))~~

4242 3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature
4243 control, pollution removal, water purification, and other water quality functions; and

4244 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural
4245 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial
4246 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat
4247 processes and functions;

4248 B. ~~((To the maximum extent practical, permanent alterations that require~~
4249 ~~restoration or enhancement of the altered aquatic area, aquatic area buffer or another~~
4250 ~~aquatic area or aquatic area buffer must consider))~~ The mitigation plan shall address the
4251 following design factors, as applicable ~~((to the function being mitigated))~~:

- 4252 1. The natural channel or shoreline reach dimensions including its depth, width,
4253 length, and gradient;
- 4254 2. The horizontal alignment and sinuosity;
- 4255 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical
4256 or similar substrate and similar erosion and sediment transport dynamics;
- 4257 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;
4258 ~~((and))~~
- 4259 5. ~~((Similar))~~ Native vegetation or climate-adaptive plant species diversity, size,
4260 and densities ~~((in the channel, sea bed or lake bottom and on the))~~ comparable to a nearby
4261 relatively undisturbed riparian ((bank or buffer)) area with similar configuration, spatial
4262 arrangement, and solar aspect;
- 4263 6. Similar slope and elevation; and
- 4264 7. Similar soil conditions, including moisture, saturation, and organic content;
- 4265 C. Mitigation ~~((to compensate))~~ for ~~((adverse impacts))~~ aquatic areas shall meet
4266 the following standards:
- 4267 1. Mitigation shall ~~((N))~~not be located upstream of a barrier to fish passage;
- 4268 2. ~~((Is equal or greater in biological function; and~~
- 4269 3.)) To the maximum extent practical ((is)), mitigation shall be located on the
4270 development proposal site ((of the alteration)) or within one-half mile of the site and in
4271 the same aquatic area reach ((at a 1:1 ratio of area of mitigation to area of alteration; or
4272 4. Is)). If mitigation cannot be located on the site or within one-half mile of the
4273 site, it shall be located in the same ((aquatic area)) drainage subbasin or marine shoreline
4274 ~~((and attains the following ratios of area of functional mitigation to area of alteration;~~

- 4275 a. a 3:1 ratio for a type S or F aquatic area; and
 4276 b. a 2:1 ratio for a type N or O aquatic area)); and
 4277 3. Mitigation ratios for aquatic areas are as follows:

<u>Aquatic Area and Location</u>	<u>Mitigation Location</u>	<u>Mitigation Ratio (mitigation area to impact area)</u>
<u>All aquatic areas</u>	<u>On the development proposal site</u>	<u>2:1</u>
<u>All aquatic areas</u>	<u>Within 1/2 mile of the development proposal site and in the same aquatic reach</u>	<u>2:1</u>
<u>Type S or F</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>3:1</u>
<u>Type N or O</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>2:1</u>

- 4278 D. For purposes of subsection C. of this section, ((a)) mitigation ((measure)) is in
 4279 the same aquatic area reach if the length of aquatic area ((shoreline)) or riparian area
 4280 meets the following criteria:
- 4281 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;
 - 4282 2. Similar processes including erosion and transport of sediment and ((woody
 4283 debris)) large wood;
 - 4284 3. ((Equivalent)) Equal or better biological conditions, including presence of
 4285 and habitat for invertebrates, fish, wildlife, and vegetation; and

4286 4. ((Equivalent)) Equal or better biological functions, including fish and wildlife
 4287 mating, reproduction, rearing, migration, and refuge; ((or)) and

4288 5. For tributary streams, a distance of no more than one-half mile from the main
 4289 stem;

4290 E. ~~((The department may reduce the mitigation ratios in subsection C. of this~~
 4291 ~~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~~
 4292 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~
 4293 ~~includes the following elements:~~

4294 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~
 4295 ~~performance standards identified by the department;~~

4296 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~
 4297 ~~and~~

4298 3. ~~Experienced, qualified staff to perform the monitoring;))~~ For riparian areas,
 4299 on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation
 4300 shall consist of restoration or creation, including through revegetation with native
 4301 vegetation or climate-adaptive plants and removing invasive species, or both.

4302 1. Standard on-site mitigation ratios for riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>On-site Mitigation Ratio (mitigation area to impact area)</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>
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4303 2. The department may approve alternative on-site mitigation ratios for riparian
 4304 areas, if the alternative mitigation provides equal or better ecological function than the
 4305 standard mitigation requirements. Alternative mitigation is based on the type of existing
 4306 vegetation impacted, as follows:

<u>Adjacent Aquatic Area</u> <u>Type</u>	<u>Impacts to Woody</u> <u>Vegetation (Trees and</u> <u>Shrubs)</u>	<u>Impacts to Non-Woody</u> <u>Vegetation or</u> <u>Unvegetated Areas</u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one</u>	<u>1.5:1 ratio with at least one</u>
<u>Fish bearing (F)</u>	<u>primary action or three</u>	<u>primary action or two</u>
<u>Non-fish bearing (N)</u>	<u>secondary actions</u>	<u>secondary actions</u>
<u>Other (O)</u>	<u>1.5:1 ratio with at least one</u>	<u>1:1 ratio with at least one</u>
	<u>primary action or two</u>	<u>primary or secondary</u>
	<u>secondary actions</u>	<u>action</u>

4307 a. Primary actions include:

4308 (1) placing large wood in adjacent aquatic areas, when not installed for
 4309 shoreline stabilization or flood protection facilities;

4310 (2) removing a fish passage barrier, if not required by the development
 4311 permit;

4312 (3) removing an aquatic area transportation crossing, such as a road, bridge,
 4313 or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate.

4314 Utility-only crossings are not included under this action;

4315 (4) removing shoreline armoring, revetments, or levees; or

4316 (5) other similar actions as determined by the department.

4317 b. Secondary actions include:

4318 (1) adding area contiguous to the existing riparian area at a ratio of 0.5:1
4319 where otherwise not required. If the area of addition does not have an equal ecological
4320 function to the impact area, the area shall be revegetated with native vegetation or
4321 climate-adaptive plants;

4322 (2) placing large wood in riparian areas or an adjacent floodplain;

4323 (3) installing wildlife snags or similar wildlife nesting or rearing habitat;

4324 (4) removing floodplain fill and replanting with native vegetation or climate-
4325 adaptive plants as appropriate; or

4326 (5) removing a fish passage barrier if required by a development permit;

4327 (6) other similar actions as approved by the department;

4328 F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be
4329 allowed if the mitigation is unable to be located on or within one-half mile of the site.

4330 Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve,
4331 or conservation easement if on private property.

4332 2. Off-site compensatory mitigation ratios riparian areas are as follows:

<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>

Other (O)	3:1
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4333 G. For rectifying an illegal alteration to ~~((any type of))~~ an aquatic area or ~~((its~~
 4334 ~~buffer))~~ riparian area, mitigation ~~((measures must meet the following standards:~~

4335 1.) shall be ~~((L))~~ located on the site of the illegal alteration, at a ~~((1:1))~~

4336 compensatory mitigation ratio of ~~((area of mitigation to area of alteration and~~

4337 ~~2. To the maximum extent practical,))~~ of 3:1, replicate~~((s))~~ the natural

4338 prealteration configuration at its natural prealteration location including the factors in

4339 subsection B. of this section~~((; and~~

4340 ~~G. The department may modify the requirements in this section if the applicant~~

4341 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~

4342 ~~obtained in the affected hydrologic unit that the department may determine to be the~~

4343 ~~drainage subbasin through alternative mitigation measures.~~

4344 ~~H. For temporary alterations to an aquatic area or its buffer that is predominately~~

4345 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~

4346 ~~altered aquatic area or buffer))~~ to the maximum extent practical.

4347 SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C.

4348 21A.24.382 are hereby amended to read as follows:

4349 The following development standards apply to development proposals and

4350 alterations on sites containing wildlife habitat conservation areas:

4351 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the

4352 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat

4353 conservation area;

4354 B. For a bald eagle:

4355 1. The wildlife habitat conservation area is ~~((an area with))~~ a four-hundred-foot
4356 radius from an active nest;

4357 2. Between March 15 and April 30, alterations are not allowed within eight
4358 hundred feet of the nest; and

4359 ~~((2))~~ 3. Between January 1 and August 31, land clearing machinery, such as
4360 bulldozers, graders, or other heavy equipment, ~~((may))~~ shall not be operated within eight
4361 hundred feet of the nest;

4362 C. For a great blue heron:

4363 1. The wildlife habitat conservation area is ~~((an area with))~~ an eight-hundred-
4364 twenty-foot radius from the rookery. The department may increase the radius up to an
4365 additional one-hundred sixty-four feet if the department determines that the population of
4366 the rookery is declining; and

4367 2. Between January 1 and July 31, clearing or grading are not allowed within
4368 nine-hundred-twenty-four feet of the rookery;

4369 D. For a marbled murrelet, the wildlife habitat conservation area is ~~((an area
4370 with))~~ a one-half-mile radius around an active nest;

4371 E. For a northern goshawk, the wildlife habitat conservation area ~~((is an area))~~
4372 with a one-thousand-five-hundred-foot radius around an active nest located outside of the
4373 ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area;

4374 F. For an osprey:

4375 1. The wildlife habitat conservation area is ~~((an area with))~~ a two-hundred-
4376 thirty-foot radius around an active nest; and

4377 2. Between April 1 and September 30, alterations are not allowed within six-
4378 hundred-sixty feet of the nest;

4379 G. For a peregrine falcon:

4380 1. The wildlife habitat conservation area is an area extending for a distance of
4381 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the
4382 rim of the cliff, and the area immediately below the cliff;

4383 2. Between March 1 and June 30, land-clearing activities that result in loud
4384 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within
4385 one-half mile of the eyrie; and

4386 3. New power lines (~~((may))~~) shall not be constructed within one-thousand feet of
4387 the eyrie;

4388 H. For a spotted owl, the wildlife habitat conservation area is (~~((an area with))~~) a
4389 three-thousand-seven-hundred-foot radius from an active nest;

4390 I. For a Townsend's big-eared bat:

4391 1. Between June 1 and October 1, the wildlife habitat conservation area is (~~((an~~
4392 ~~area with))~~) a four-hundred-fifty-foot radius from the entrance to a cave or mine, located
4393 outside of the urban area, with an active nursery colony;

4394 2. Between November 1 and March 31, the wildlife habitat conservation area is
4395 (~~((an area with))~~) a four-hundred-fifty-foot radius around the entrance to a cave or mine
4396 located outside the (~~((u))~~)Urban (~~((g))~~)Growth (~~((a))~~)Area serving as a winter hibernacula;

4397 3. Between March 1 and November 30, a building, bridge, tunnel, or other
4398 structure used solely for day or night roosting (~~((may))~~) shall not be altered or destroyed;

4399 4. Between May 1 and September 15, the entrance into a cave or mine that is
4400 protected because of bat presence ~~((is))~~ shall be protected from human entry; and

4401 5. A gate across the entrance to a cave or mine that is protected because of bat
4402 presence ~~((must))~~ shall be designed to allow bats to enter and exit the cave or mine;

4403 J. For a Vaux's swift:

4404 1. The wildlife habitat conservation area is ~~((an area with))~~ a three-hundred-foot
4405 radius around an active nest located outside of the ~~((a))~~Urban ~~((g))~~Growth ~~((a))~~Areas;

4406 2. Between April 1 and October 31, clearing, grading, or outdoor construction is
4407 not allowed within four hundred feet of an active or potential nest tree. The applicant
4408 may use a species survey to demonstrate that the potential nest tree does not contain an
4409 active nest;

4410 K. The department shall require protection of an active breeding site of any
4411 federal or state listed endangered, threatened, sensitive, and candidate species or King
4412 County species of local importance ~~((not listed in subsections B. through J. of this~~
4413 ~~section))~~. If the Washington state Department of Fish and Wildlife has adopted
4414 management recommendations for a species covered by this subsection, the department
4415 shall follow those management recommendations. If management recommendations
4416 have not been adopted, the department shall base protection decisions on best available
4417 science.

4418 SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C.
4419 21A.24.385 are hereby amended to read as follows:

4420 A. ~~((The department shall make certain that s))~~Segments of the wildlife habitat
4421 network ~~((are))~~ shall be set aside and protected along the designated wildlife habitat
4422 network adopted by the ~~((King County))~~ Comprehensive Plan ~~((as follows:))~~.

4423 ~~((A:))~~ This section applies to the following development proposals on parcels that
4424 include a segment of the designated wildlife habitat network:

4425 1. All ~~((urban planned developments, fully contained communities,))~~ binding
4426 site plans, subdivisions, and short subdivisions; and

4427 2. All development proposals on individual lots unless a segment of the wildlife
4428 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,
4429 easement, or setback area, and a notice of the existence of the segment has been recorded;

4430 B. Segments of the wildlife habitat network ~~((must))~~ shall be identified and
4431 protected in one of the following ways:

4432 1. In ~~((urban planned developments, fully contained communities,))~~ binding site
4433 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous
4434 permanent open~~((-))~~space tract with all developable lots sited on the remaining portion
4435 of the ~~((project))~~ development proposal site, or the lots are designed so that required
4436 setback areas can form a contiguous setback covering the network segments; or

4437 2. For individual lots, the network is placed in a county-approved setback area.
4438 To the maximum extent practical, existing native vegetation is included in the network.

4439 The notice required by K.C.C. ~~((21A.27.170))~~ 21A.24.170 is required; and

4440 C. All wildlife habitat network tracts or setback areas ~~((must))~~ shall meet the
4441 design standards in K.C.C. 21A.24.386.

4442 SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C.

4443 21A.24.386 are hereby amended to read as follows:

4444 The following standards apply to development proposals and alterations on sites
4445 containing wildlife habitat network:

4446 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4447 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

4448 B. The wildlife habitat network is sited to meet the following conditions:

4449 1. The network forms one contiguous tract or setback area that enters and exits
4450 the property where the network crosses the property boundary;

4451 2. To the maximum extent practical, the network maintains a width of three-
4452 hundred feet. The network width shall not be less than one-hundred-fifty feet at any
4453 point; and

4454 3. The network is contiguous with and includes critical areas and their buffers;

4455 4. To the maximum extent practical, the network connects isolated critical areas
4456 or habitat; and

4457 5. To the maximum extent practical, the network connects with wildlife habitat
4458 network segments, open space tracts, or wooded areas on adjacent properties, if present;

4459 C. The wildlife habitat network tract (~~((must))~~) shall be permanently marked in
4460 accordance with this chapter;

4461 D. An applicant proposing recreation, forestry, or any other use compatible with
4462 preserving and enhancing the habitat value of the wildlife habitat network located within
4463 the site (~~((must))~~) shall have an approved management plan. The applicant shall include
4464 and record the approved management plan for a binding site plan or subdivision with the

covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;

E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan;

F. In ~~((urban planned developments, fully contained communities,))~~ binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate))~~ for ~~((the~~

adverse impacts associated with)) wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to))~~ a wildlife habitat conservation area ~~((must))~~ shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the ~~((wildlife))~~ habitat ~~((conservation area))~~ of the species impacted;

B. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to the))~~ a wildlife habitat network ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or better biological functions, including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:

a. for mitigation on site:

(1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

and

(2) 1.5:1 ratio for enhancement or restoration; and

b. for mitigation off-site:

(1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

and

(2) 3:1 ratio for enhancement or restoration;

4510 C. For temporary (~~((alterations))~~) impacts, the department may require
4511 (~~((rectification))~~) rehabilitation, restoration, or enhancement of the altered wildlife habitat
4512 network;

4513 D. The department may increase the width of the wildlife habitat network to
4514 mitigate for risks to habitat functions;

4515 E. To the maximum extent practical, mitigation projects involving wildlife
4516 habitat network restoration should provide replication of the site's prealteration natural
4517 environment including:

4518 1. Soil type, conditions, and physical features;

4519 2. Vegetation diversity and density; and

4520 3. Biological and habitat functions; and

4521 F. The department may modify the requirements in this section if the applicant
4522 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife
4523 habitat conservation area or wildlife habitat network through alternative mitigation
4524 measures.

4525 NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter
4526 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

4527 Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and
4528 K.C.C. Title 23.

4529 SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C.
4530 21A.25.100 are hereby amended to read as follows:

4531 A. The shoreline use table in this section determines whether a specific use is
4532 allowed within each of the shoreline environments. The shoreline environment is located

on the vertical column and the specific use is located on the horizontal row of the table.

The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The

specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be

interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row,
the use is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the
row, the use may be allowed within the shoreline environment;

3. If the letter "C" appears in the box at the intersection of the column and the
row, the use may be allowed within the shoreline environment subject to the shoreline
conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row,
the use may be allowed subject to the appropriate review process in this section, the
general requirements of this chapter and the specific development conditions indicated
with the corresponding number in subsection C. of this section. If more than one number
appears after a letter, all numbers apply;

5. If more than one letter-number combination appears in the box at the
intersection of the column and the row, the use is allowed in accordance with each letter-
number combination;

6. A shoreline use may be allowed in the aquatic environment only if that
shoreline use is allowed in the adjacent shoreland environment; and

7. This section does not authorize a land use that is not allowed by the
underlying zoning, but may add additional restrictions or conditions or prohibit specific

land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master ~~((P))~~program.

B. Shoreline uses.

	High Intensi ty	Resident ial	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aqua tic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial								

salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non- salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			

Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except automotive parking, and off- street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.055)	P9	P9	P9	P9	P9	P9	P9	C10

Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.055)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation								C15

facilities								
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C.		P	P	P	P	C22	C22	

21A.08.030), adult family homes and community residential facility I (K.C.C. 21A.08.045)								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent	P23	P						

supportive housing (K.C.C. 21A.08.045)								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.055)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility	P26	P26	P26	P26	P26	P26	P26	C26

(K.C.C. 21A.08.055)								
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

4563 C. Development conditions:

4564 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,
4565 such as livestock use with an animal unit density of no more than one per two acres in the
4566 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to
4567 exceed twenty percent of the site area located within the shoreline jurisdiction.

4568 2.a. The supporting infrastructure for aquaculture may be located landward of
4569 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

4570 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

4571 c. In aquatic areas adjacent to the residential shoreline environment, net pen
4572 facilities shall be located no closer than one thousand five hundred feet from the ordinary
4573 high water mark of this environment, unless the department allows a specific lesser
4574 distance that it determines is appropriate based upon a visual impact analysis. Other
4575 types of floating culture facilities may be located within one thousand five hundred feet
4576 of the ordinary high water mark if supported by a visual impact analysis.

4577 d. In aquatic areas adjacent to the rural shoreline environment, net pen
4578 facilities shall be located no closer than one thousand five hundred feet from the ordinary
4579 high water mark of this environment, unless the department allows a specific lesser
4580 distance that it determines is appropriate based upon a visual impact analysis.

4581 e. In the natural shoreline environment and aquatic areas adjacent to the natural
4582 shoreline environment, commercial net pens are prohibited, and other aquaculture
4583 activities are limited to activities that do not require structures, facilities, or mechanized
4584 harvest practices and that will not alter the natural systems, features, or character of the
4585 site.

4586 f. Farm-raised geoduck aquaculture requires a shoreline substantial
4587 development permit if a specific project or practice causes substantial interference with
4588 normal public use of the surface waters.

4589 g. A conditional use permit is required for new commercial geoduck
4590 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
4591 planting and harvest shall not require a new conditional permit.

4592 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,
4593 from Piner Point to Point Robinson.

b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4. Water-dependent personal services land uses in K.C.C. 21A.08.050 are

allowed. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water.

5.a. Water-dependent personal services land uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Nonwater-oriented personal services land uses shall provide a ~~((significant))~~ public benefit by ~~((helping to achieve))~~ achieving one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; ~~((and))~~ or

(5) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

Water-related business service~~((s))~~ uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business

service((s)) uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Nonwater-oriented retail uses shall provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

(5) protection and restoration of historic properties.

8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

a. economic development for water-dependent uses;

b. public access;

c. water-oriented recreation;

d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ~~((N))~~natural environment.

10. The following standards apply to government services uses within the ~~((A))~~aquatic environment:

a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;

b. Water intakes shall not be located near fish spawning, migratory, or rearing areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;

c. Desalinization facilities shall not be located near fish spawning, migratory, or rearing areas. Intakes should generally be placed deeper than thirty feet below the

ordinary high water mark and shall adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

d. Cable crossings for telecommunications and power lines shall:

(1) be routed around or drilled below aquatic critical habitat or species;

(2) be installed in sites free of vegetation, as determined by physical or video seabed survey;

(3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

(4) use the best available technology;

e. Oil, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition:

(1) pipelines shall be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and

(2) use the best available technology for operation and maintenance;

f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ~~((A))~~ aquatic environment adjacent to the ~~((C))~~ conservancy and ~~((N))~~ natural shorelines.

11. In the ~~((N))~~ natural shoreline environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific

ecological enhancement objectives. In all shoreline environments, forest practices shall meet the standards in K.C.C. 21A.25.130.

12. Manufacturing uses in the shoreline environment shall give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:

a. ~~((N))~~nonwater-oriented manufacturing uses are allowed only:

(1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;

(2) on sites where navigability is severely limited; or

(3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and

(4) all nonwater-oriented manufacturing uses shall also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation, or water-dependent public education;

b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;

c. shall be located, designed, and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values;

d. restoration is required for all new manufacturing uses; and

e. boat repair facilities are not allowed within the Maury Island Aquatic Reserve, except as follows:

(1) engine repair or maintenance conducted within the engine space without vessel haul-out;

4707 (2) topside cleaning, detailing, and bright work;
4708 (3) electronics servicing and maintenance;
4709 (4) marine sanitation device servicing and maintenance that does not require
4710 haul-out;
4711 (5) vessel rigging; and
4712 (6) minor repairs or modifications to the vessel's superstructure and hull
4713 above the waterline that do not exceed twenty-five percent of the vessel's surface area
4714 above the waterline.

4715 13. The water-dependent in-stream portion of a hydroelectric generation facility,
4716 wastewater treatment facility, and municipal water production are allowed, including the
4717 upland supporting infrastructure, and shall provide for the protection and preservation, of
4718 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
4719 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
4720 hydrogeological processes, and natural scenic vistas.

4721 14. New in-stream portions of utility facilities may be located within the
4722 shoreline jurisdiction if:

- 4723 a. there is no feasible alternate location;
4724 b. provision is made to protect and preserve ecosystem-wide processes,
4725 ecological functions, and cultural resources, including, but not limited to, fish and fish
4726 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
4727 and natural scenic vistas; and
4728 c. the use complies with the standards in K.C.C. 21A.25.260.

4729 15. Limited to in-stream infrastructure, such as bridges, and shall consider the
4730 priorities of the King County Shoreline Protection and Restoration Plan when designing
4731 in-stream transportation facilities. In-stream structures shall provide for the protection
4732 and preservation of ecosystem-wide processes, ecological functions, and cultural
4733 resources, including, but not limited to, fish and fish passage, wildlife and water
4734 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

4735 16. Limited to hatchery and fish preserves.

4736 17. Mineral uses:

4737 a. shall meet the standards in K.C.C. chapter 21A.22;

4738 b. shall be dependent upon a shoreline location;

4739 c. shall avoid and mitigate ((adverse)) impacts to the shoreline environment
4740 during the course of mining and reclamation to achieve no net loss of shoreline ecological
4741 function. In determining whether there will be no net loss of shoreline ecological
4742 function, the evaluation may be based on the final reclamation required for the site.
4743 Preference shall be given to mining proposals that result in the creation, restoration, or
4744 enhancement of habitat for priority species;

4745 d. shall provide for reclamation of disturbed shoreline areas to achieve
4746 appropriate ecological functions consistent with the setting;

4747 e. may be allowed within the active channel of a river only as follows:

4748 (1) removal of specified quantities of sand and gravel or other materials at
4749 specific locations will not adversely affect the natural processes of gravel transportation
4750 for the river system as a whole;

4751 (2) the mining and any associated (~~(permitted)~~) allowed activities will not
4752 have (~~(significant adverse)~~) impacts to habitat for priority species nor cause a net loss of
4753 ecological functions of the shoreline; and

4754 (3) if no review has been previously conducted under this subsection C.17.e.,
4755 before renewing, extending, or reauthorizing gravel bar and other in-channel mining
4756 operations in locations where they have previously been conducted, the department shall
4757 require compliance with this subsection C.17.e. If there has been prior review, the
4758 department shall review previous determinations comparable to the requirements of this
4759 section C.17.e. to ensure compliance with this subsection under current site conditions;
4760 and

4761 f. shall comply with K.C.C. 21A.25.190.

4762 18. Only water-dependent recreational uses are allowed, except for public parks
4763 and trails, in the (~~(H)~~)high (~~(I)~~)intensity shoreline environment and shall meet the
4764 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4765 19. Water-dependent and water-enjoyment recreational uses are allowed in the
4766 (~~(R)~~)residential, (~~(R)~~)rural, and (~~(F)~~)forestry shoreline environments and shall meet the
4767 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4768 20. In the (~~(C)~~)conservancy shoreline environment, only the following
4769 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public
4770 access and K.C.C. 21A.25.150 for recreation:

4771 a. parks; and

4772 b. trails.

4773 21. In the ((N))natural shoreline environment, only passive and low-impact
4774 recreational uses are allowed.

4775 22. Single detached residences shall be located outside of the ((aquatic area
4776 buffer)) riparian area and set back from the ordinary high water mark to the maximum
4777 extent practical.

4778 23. Only allowed as part of a water-dependent shoreline mixed-use development
4779 where water-dependent uses comprise more than half of the square footage of the
4780 structures on the portion of the site within the shoreline jurisdiction.

4781 24. Residential accessory uses shall meet the following standards:

4782 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply
4783 with the standards in K.C.C. 21A.25.180;

4784 b. residential accessory structures located within the ((aquatic area buffer))
4785 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

4786 c. accessory structures shall be sited to preserve visual access to the shoreline
4787 to the maximum extent practical.

4788 25. New highway and street construction is allowed only if there is no feasible
4789 alternate location. Only low-intensity transportation infrastructure is allowed in the
4790 ((N))natural environment.

4791 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

4792 27. Only bed and breakfast guesthouses.

4793 28. Only in a marina.

4794 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

4795 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4796 SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C.

4797 21A.25.110 are hereby amended to read as follows:

4798 An applicant for an aquaculture facility shall use the sequential measures in

4799 K.C.C. 21A.25.080. The following standards apply to aquaculture:

4800 A. Unless the applicant demonstrates that the substrate modification will result in
4801 an increase in native habitat diversity, aquaculture that involves little or no substrate
4802 modification shall be given preference over aquaculture that involves substantial
4803 substrate modification and the degree of proposed substrate modification shall be limited
4804 to the maximum extent practical.

4805 B. The installation of submerged structures, intertidal structures and floating
4806 structures shall be limited to the maximum extent practical.

4807 C. Aquaculture proposals that involve substantial substrate modification or
4808 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other
4809 similar mechanisms, shall not be allowed in areas where the proposal would adversely
4810 impact critical saltwater or critical freshwater habitats.

4811 D. Aquaculture activities that after implementation of mitigation measures would
4812 have a significant adverse impact on natural, dynamic shoreline processes, or that would
4813 result in a net loss of shoreline ecological functions shall be prohibited.

4814 E. Aquaculture should not be located in areas that will result in significant
4815 conflicts with navigation or other water-dependent uses.

4816 F. Aquaculture facilities shall be designed, located, and managed to prevent the
4817 spread of diseases to native aquatic life or the spread of new nonnative species.

4818 G. Aquaculture practices shall be designed to minimize use of artificial chemical

substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are:

1. Native salmon net pens operated by Indian tribes with treaty fishing rights;
2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or
3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable (~~(significant)~~) adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates (~~(significant,)~~) adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed

4842 five acres in area, except land-based projects and anchorage for floating systems, and
4843 three years in duration. The department may issue a new permit to continue an
4844 experimental project as many times as it determines is necessary and appropriate.

4845 K. The department may require aquaculture operations to carry liability insurance
4846 in an amount commensurate with the risk of injury or damage to any person or property
4847 as a result of the project. Insurance requirements shall not be required to duplicate
4848 requirements of other agencies.

4849 L. If aquaculture activities are authorized to use public facilities, such as boat
4850 launches or docks, King County may require the applicant to pay a portion of the cost of
4851 maintenance and any required improvements commensurate with the use of those
4852 facilities.

4853 M. New aquatic species that are not previously cultivated in Washington state
4854 shall not be introduced into King County saltwaters or freshwaters without prior written
4855 approval of the Director of the Washington state Department of Fish and Wildlife and the
4856 Director of the Washington state Department of Health. This prohibition does not apply
4857 to((÷)) Pacific, Olympia, Kumomoto, Belon₂ or Virginica oysters; Manila, Butter, or
4858 Littleneck clams; or Geoduck clams.

4859 N. Unless otherwise provided in the shoreline permit issued by the department,
4860 repeated introduction of an approved organism after harvest in the same location shall
4861 require approval by the county only at the time the initial aquaculture use permit is
4862 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
4863 organism in any area within the waters of King County regardless of whether it is a native
4864 or resident organism within the county and regardless of whether it is being transferred

4865 from within or without the waters of King County.

4866 O. For aquaculture projects, overwater structures shall be allowed only if
4867 necessary for the immediate and regular operation of the facility. Overwater structures
4868 shall be limited to the storage of necessary tools and apparatus in containers of not more
4869 than three feet in height, as measured from the surface of the raft or dock.

4870 P. Except for the sorting or culling of the cultured organism after harvest and the
4871 washing or removal of surface materials or organisms before or after harvest, no
4872 processing of any aquaculture product shall occur in or over the water unless specifically
4873 approved by permit. All other processing and processing facilities shall be located
4874 landward of the ordinary high water mark.

4875 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict
4876 compliance with all applicable governmental waste disposal standards, including, but not
4877 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
4878 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the
4879 site of any aquaculture operation.

4880 R. Unless approved in writing by the National Marine Fisheries Service or the
4881 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
4882 harassment of birds or mammals. Approved controls include, but are not limited to,
4883 double netting for seals, overhead netting for birds, and three-foot high fencing or netting
4884 for otters. The use of other nonlethal, nonabusive predator control measures shall be
4885 contingent upon receipt of written approval from the National Marine Fisheries Service
4886 or the U.S. Fish and Wildlife Service, as required.

4887 S. Finfish net pens and rafts shall meet the following criteria in addition to the

4888 other applicable regulations of this section:

4889 1. Finfish net pens shall not be located in Quartermaster Harbor. For the
4890 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north
4891 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner
4892 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

4893 2. Finfish net pens shall meet, at a minimum, state approved administrative
4894 guidelines for the management of net pen cultures. In the event there is a conflict in
4895 requirements, the more restrictive requirement shall prevail;

4896 3. Finfish net pens shall not occupy more than two surface acres of water area,
4897 excluding booming and anchoring requirements. Anchors that minimize disturbance to
4898 substrate, such as helical anchors, shall be employed. Such operations shall not use
4899 chemicals or antibiotics;

4900 4. Aquaculture proposals that include new or added net pens or rafts shall not be
4901 located closer than one nautical mile to any other aquaculture facility that includes net
4902 pens or rafts. The department may authorize a lesser distance if the applicant
4903 demonstrates to the satisfaction of the department that the proposal will be consistent
4904 with the environmental and aesthetic policies and objectives of this chapter and the
4905 shoreline master program. The applicant shall demonstrate to the satisfaction of the
4906 department that the cumulative impacts of existing and proposed operations would not be
4907 contrary to the policies and regulations of the program;

4908 5. Net cleaning activities shall be conducted on a frequent enough basis so as
4909 not to violate state water quality standards. When feasible, the cleaning of nets and other
4910 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

4911 6. In the event of a significant fish kill at the site of a net pen facility, the finfish
4912 aquaculture operator shall submit a timely report to public health – Seattle & King
4913 County, environmental health division, and the department of local services, permitting
4914 division, stating the cause of death and shall detail remedial actions to be implemented to
4915 prevent reoccurrence.

4916 T. All floating and submerged aquaculture structures and facilities in navigable
4917 waters shall be marked in accordance with United States Coast Guard requirements.

4918 U. The rights of treaty tribes to aquatic resources within their usual and
4919 accustomed areas shall be addressed through direct coordination between the applicant
4920 and the affected Indian tribes through the permit review process.

4921 V. Aquaculture structures and equipment shall be of sound construction and shall
4922 be so maintained. Abandoned or unsafe structures and equipment shall be removed or
4923 repaired promptly by the owner. Where any structure might constitute a potential hazard
4924 to the public in the future, the department shall require the posting of a bond
4925 commensurate with the cost of removal or repair. The department may abate an
4926 abandoned or unsafe structure in accordance with K.C.C. Title 23.

4927 W. Aquaculture shall not be approved where it will adversely impact eelgrass and
4928 macroalgae.

4929 X. Commercial salmon net pens and nonnative marine finfish aquaculture are
4930 prohibited.

4931 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations
4932 in this section and shall meet the following criteria and requirements:

4933 1. Each finfish net pen application shall provide a current, peer-reviewed

science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the

department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ~~((significant))~~ adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Finfish net pens shall not be located:

4957 a. within three hundred feet of an area containing eelgrass or a kelp bed;
4958 b. within one thousand five hundred feet of an ordinary high water mark; or
4959 c. in a designated Washington state Department of Natural Resources aquatic
4960 reserve;

4961 6. A finfish net pen may not be used to mitigate the impact of a development
4962 proposal; and

4963 7. For finfish net pens that are not noncommercial native salmon net pens, the
4964 conditional use permit for the net pen shall be renewed every five years. An updated
4965 scientific review shall be conducted as part of the renewal and shall include a new risk
4966 assessment and evaluation of the impact of the operation of the finfish net pen during the
4967 previous five years.

4968 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

4969 SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C.

4970 21A.25.150 are hereby amended to read as follows:

4971 Recreational development (~~((must))~~) shall meet the following standards:

4972 A. The recreational development (~~((must be))~~) is permitted in the underlying zone;

4973 B. Recreational uses in the (~~((N))~~)natural shoreline environment (~~((must))~~) shall be
4974 water-oriented;

4975 C. Swimming areas shall be separated from boat launch areas and marinas, to the
4976 maximum extent practical;

4977 D. The development of underwater sites for sport diving shall not:

4978 1. Take place at depths of greater than eighty feet;

4979 2. Constitute a navigational hazard; and

4980 3. Be located in areas where the normal waterborne traffic would constitute a
4981 hazard to those people who may use such a site;

4982 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
4983 and launching facilities below the ordinary high water mark shall be governed by the
4984 regulations relating to docks, piers, moorage, buoys, floats, or launching facility
4985 construction in K.C.C. 21A.25.180;

4986 F. Public boat launching facilities or marinas shall be governed by K.C.C.
4987 21A.25.120;

4988 G. Campgrounds in the ((N))natural shoreline environment shall meet the
4989 following conditions:

4990 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
4991 not, be located outside of critical area((s)) and associated buffers;

4992 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

4993 3. Removal of vegetation shall be limited to the maximum extent practical;

4994 H. Public contact with unique and fragile areas shall be permitted where it is
4995 possible without destroying the natural character of the area;

4996 I. Water viewing, nature study, recording, and viewing shall be accommodated
4997 by open space, platforms, benches, or shelter, consistent with public safety and security;

4998 J. Public recreation shall be provided on county-owned lands consistent with this
4999 chapter unless the director determines public recreation is not compatible with other uses
5000 on the site or will create a public safety risk; and

5001 K. To the maximum extent practical, proposals for non water oriented active
5002 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be

permitted where the non((-))water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment;
2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment;
3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;
4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply;

5025 5. If more than one letter-number combination appears in the box at the
5026 intersection of the column and the row, the modification is allowed within that shoreline
5027 environment subject to different sets of limitations or conditions depending on the review
5028 process indicated by the letter, the specific development conditions indicated in the
5029 development condition with the corresponding number immediately following the table;

5030 6. A shoreline modification may be allowed in the aquatic environment only if
5031 that shoreline modification is allowed in the adjacent shoreland environment; and

5032 7. This section does not authorize a shoreline modification that is not allowed
5033 by the underlying zoning, but may add additional restrictions or conditions or prohibit
5034 specific modifications within the shoreline jurisdiction. All shoreline modifications in
5035 the shoreline jurisdiction shall comply with all relevant county code provisions and with
5036 the King County shoreline master program.

5037 B. Shoreline modifications.

	High Inten sity	Resident ial	Rur al	Conserv ancy	Resour ce	Fores try	Natu ral	Aqua tic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1

Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6

Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

5038 C. Development conditions.

5039 1. New and replacement shoreline stabilization, including bulkheads, shall meet
5040 the standards in K.C.C. 21A.25.170((§)).

5041 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.
5042 chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King
5043 County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection
5044 Guidelines (Washington state ((~~4~~)) Departments of Fish and Wildlife, Ecology, and
5045 Transportation, ((~~2003~~)) 2002). New structural flood hazard protection measures are
5046 allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific

and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so~~ as)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King County Flood Management Plan and consistent with the ((~~Washington State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180((~~;~~)).

4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

(1) Place fill waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities; and

(2) Dispose of dredged material within shorelands or wetlands within a channel migration zone;

c. ((~~F~~))fill shall not be placed in critical saltwater or critical freshwater habitats except when all of the following conditions are met:

5070 (1) the public's need for the proposal is clearly demonstrated and the proposal
5071 is consistent with protection of the public trust, (~~(as embodied)~~) in accordance with RCW
5072 90.58.020;

5073 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by
5074 an alternative alignment or location is not feasible or would result in unreasonable and
5075 disproportionate cost to accomplish the same general purpose;

5076 (3) the project including any required mitigation, will result in no net loss of
5077 ecological functions associated with critical saltwater or critical freshwater habitats; and

5078 (4) the project is consistent with the state's interest in resource protection and
5079 species recovery; and

5080 d. In a channel migration zone, any filling shall protect shoreline ecological
5081 functions, including channel migration.

5082 5.a. Breakwaters, jetties, groins, and weirs:

5083 (1) are only allowed where necessary to support water dependent uses, public
5084 access, approved shoreline stabilization, or other public uses, as determined by the
5085 director;

5086 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
5087 habitat restoration project or as an alternative to construction of a shoreline stabilization
5088 structure;

5089 (3) shall not intrude into or over critical saltwater or critical freshwater
5090 habitats except when all of the following conditions are met:

(a) the public's need for the structure is clearly demonstrated and the proposal is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW 90.58.020;

(b) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

(c) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(d) the project is consistent with the state's interest in resource protection and species recovery.

b. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.

c. A conditional shoreline use permit is required, except for structures installed to protect or restore shoreline ecological functions.

6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone.

7.~~((a. If the department determines))~~ Limited to projects where the primary purpose is ~~((restoration))~~ to restore or enhance of the natural character and ecological functions of the shoreline, ~~((a shoreline habitat and natural systems enhancement))~~ as follows:

5113 a. the project may include shoreline modification of vegetation, removal of
5114 nonnative or invasive plants, and shoreline stabilization, including the installation of
5115 large ((woody debris)) wood, dredging, and filling. Mitigation actions identified through
5116 biological assessments required by the National Marine Fisheries Services and applied to
5117 flood hazard mitigation projects may include shoreline modifications of vegetation,
5118 removal of nonnative or invasive plants, and shoreline stabilization, including the
5119 installation of large ((woody debris)) wood, dredging, and filling. Mitigation actions
5120 identified through biological assessments required by the National Marine Fisheries
5121 Services and applied to flood hazard mitigation projects may include shoreline
5122 modifications of vegetation, removal of nonnative or invasive plants, and shoreline
5123 stabilization, including the installation of large ((woody debris)) wood, dredging, and
5124 filling(());

5125 b. Within the ((#))Urban ((g))Growth ((a))Area, the county may grant relief
5126 from shoreline master program development standards and use regulations resulting from
5127 shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-
5128 215(());

5129 c. A shoreline habitat and natural systems enhancement project shall provide a
5130 net ecological benefit and increase in functions over the existing ecological and
5131 functional conditions of the habitat project area; and

5132 d. A restoration or enhancement plan shall include:

5133 (1) an evaluation of the anticipated net change in ecological functions from
5134 pre-project to post-project; and

5135 (2) a monitoring and reporting plan to demonstrate the gain of ecological
5136 function.

5137 8. Within the critical area and critical area buffer, vegetation removal is subject
5138 to K.C.C. chapter 21A.24.

5139 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
5140 native vegetation located outside of the critical area and critical area buffer shall be
5141 retained to the maximum extent practical. Within the critical area and critical area buffer,
5142 vegetation removal is subject to K.C.C. chapter 21A.24.

5143 SECTION 99. Ordinance 16985, Section 46, as amended, and K.C.C.
5144 21A.25.210 are hereby amended to read as follows:

5145 A. The expansion of a dwelling unit or residential accessory structure located in
5146 the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the~~
5147 ~~following:~~

5148 ~~A.))~~ shall require a shoreline variance ~~((f))~~ if the proposed expansion ~~((will))~~:

5149 1. ~~((f))~~ Results in a total cumulative expansion of the dwelling unit and
5150 accessory structures ~~((of))~~ by more than one thousand square feet ~~((, a shoreline variance~~
5151 ~~is required; and~~

5152 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
5153 ~~the expansion is not allowed));~~

5154 2. Is within thirty-five feet of the ordinary high water mark; or

5155 3. Is between thirty-five feet and fifty feet of the ordinary high water mark and
5156 the expansion extending towards the ordinary high water mark is greater than three
5157 hundred square feet.

5158 SECTION 100. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045
5159 are hereby amended to read as follows:

5160 A. ~~((To achieve the maximum density allowances using))~~ The livestock densities
5161 in K.C.C. 21A.30.040 may be achieved through a livestock management plan component
5162 of a farm management plan~~((, the))~~. A livestock management plan ~~((must meet the~~
5163 ~~following criteria))~~ component shall:

5164 1. ~~((The plan is))~~ Comply with the requirements of K.C.C. 21A.24.051 for farm
5165 management plans;

5166 2. Be developed as part of a program authorized or approved by King County.
5167 Certified Washington state Department of Ecology nutrient management plans that are
5168 consistent with all of the criteria of this section may substitute for a livestock
5169 ~~((management component of a farm))~~ management plan component for commercial dairy
5170 farms. Commercial dairy farms that do not have approved nutrient management plans
5171 ~~((must))~~ shall meet the requirements of K.C.C 21A.30.060;

5172 ~~((2. The plan))~~ 3. ~~((i))~~ Include~~((s))~~ site-specific best management ~~((measures))~~
5173 practices for minimizing nonpoint pollution from agricultural activities and for managing
5174 wetland ~~((and))~~, wetland buffers, aquatic areas, and riparian areas, including, but not
5175 limited to:

- 5176 a. livestock watering;
- 5177 b. grazing and pasture management;
- 5178 c. confinement area management;
- 5179 d. manure management; and

5180 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,
5181 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet
5182 meadows~~((:))~~;

5183 ~~((3. The plan is))~~ 4. Be implemented within a timeframe established in the plan
5184 and maintained so that nonpoint pollution attributable to livestock-keeping is minimized;
5185 and

5186 ~~((4. A))~~ 5. Include a monitoring plan ~~((may be))~~, if required ~~((as part of the~~
5187 ~~livestock management component of a farm management plan))~~, to demonstrate that there
5188 is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat.
5189 Monitoring results shall be made available to the King County agriculture program.

5190 B. The livestock ~~((management component of a farm))~~ management plan
5191 component shall, at a minimum:

5192 1. a. ~~((Generally seek to achieve a twenty-five foot buffer of))~~ Establish grazing
5193 area buffers with diverse, mature vegetation between grazing areas and ~~((the ordinary~~
5194 ~~high water mark of all type S and F aquatic areas and))~~ critical areas as follows:

5195 (1) forty feet from the ~~((wetland))~~ edge of a~~((ny))~~ category I, II, or III
5196 wetland, ~~((with the))~~ except~~((ion of))~~ grazed wet meadows~~((, using buffer averaging~~
5197 ~~where necessary to accommodate existing structures.))~~;

5198 (2) forty feet from a type S or F aquatic area;

5199 (3) thirty-five feet from a type N aquatic area;

5200 (4) twenty feet from the edge of a category IV wetland, except grazed wet
5201 meadows;

5202 (5) no minimum from grazed wet meadows; and

5203 (6) the clearing of lands for new grazing areas shall not occur in wetlands,
5204 wetland buffers, or riparian areas that contain predominantly native forest overstory,
5205 shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area
5206 widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5207 b. The ~~((livestock management component of a farm management plans may~~
5208 ~~vary the))~~ width of the grazing area buffer ~~((of an aquatic area or wetland;))~~ and the time
5209 and duration of animal exclusion throughout the year ~~((, according to guidelines agreed~~
5210 ~~upon by King County and the King Conservation District))~~ may be modified consistent
5211 with the public rule established to implement farm management plans. The ~~((guidelines))~~
5212 public rule may ~~((support a))~~ allow for different grazing area buffer widths based on both
5213 the nature of the farm operation and the function and sensitivity of the aquatic area or
5214 wetland.

5215 c. The livestock management plan ~~((must))~~ component shall include best
5216 management practices that avoid having manure accumulate in or within ten feet of type
5217 ~~((N or))~~ O ~~((waters))~~ aquatic areas. ~~((Forested lands being cleared for grazing areas shall~~
5218 ~~comply with the critical area buffers in K.C.C. chapter 21A.24))~~;

5219 2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal
5220 waste to aquatic areas and wetlands;

5221 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature
5222 vegetation beyond the grazing area buffers identified in subsection B.1. of this section
5223 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F
5224 ~~((waters))~~, and N aquatic areas. This requirement may be waived for existing
5225 confinement areas on lots of two and one-half acres or less in size if:

5226 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation
5227 is achieved;

5228 b. manure within the confinement area is removed daily during the winter
5229 season from October 15 to April 15, and stored in accordance with K.C.C.
5230 21A.30.060.D.; and

5231 c. additional best management practices~~((, as recommended by the King~~
5232 ~~Conservation District,))~~ in an approved farm management plan are implemented~~((;))~~ and
5233 maintained; and

5234 4. Include a schedule for implementation.

5235 C. Any deviation from the manure management standards ~~((must))~~ shall be
5236 addressed in ~~((a))~~ the livestock ~~((management component of a farm))~~ management plan
5237 component.

5238 D. ~~((A copy of the final plans shall be submitted to the department of natural~~
5239 ~~resources and parks within sixty days of completion.~~

5240 E. ~~The farm management plan approved by the department of natural resources~~
5241 ~~and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040~~
5242 ~~and 20.22.080. Appeals may be filed only by the property owner or four members of the~~
5243 ~~King County agriculture commission. Any farm management plan not appealed shall~~
5244 ~~constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.~~
5245 ~~9.12.035.))~~ Properties operating subject to an existing livestock management plan
5246 component based on the standards in effect before the effective date of this ordinance
5247 shall be deemed to have satisfied the standards of this section.

5248 E. For the purposes of this section, in aquatic areas and riparian areas, distances
5249 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5250 the top of the bank if the ordinary high water mark cannot be identified.

5251 SECTION 101. Ordinance 10870, Section 534, as amended, and K.C.C.
5252 21A.30.060 are hereby amended to read as follows:

5253 ~~((Property owners with farms containing either large))~~ A. The livestock ~~((at))~~
5254 densities ~~((greater than one animal unit per two acres, or small livestock at densities~~
5255 ~~greater than five animals per acre, or both, are not required to follow an livestock))~~
5256 identified in K.C.C. 21A.30.040 without a farm management plan ~~((if the owners~~
5257 ~~adhere))~~ are subject to ((the management standards in subsections A. through G. of)) this
5258 section. This section applies only if farm practices do not result in violation of any
5259 federal, state, or local water quality standards.

5260 ~~((A.))~~ B. To minimize livestock access to aquatic areas, property owners shall
5261 utilize the following for livestock watering ~~((options))~~:

5262 1. The preferred option, which is a domestic water supply, stock watering pond,
5263 roof runoff collection system, or approved pumped supply from ~~((the))~~ aquatic areas so
5264 that livestock are not required to enter aquatic areas for their water supply.

5265 2.a. Livestock access to type S~~((and))~~, F ~~((waters, including their buffers)), and~~
5266 N aquatic areas and riparian areas shall be limited to crossing and watering points that
5267 have been addressed by a crossing or watering point plan designed to Natural Resource
5268 Conservation Services or King Conservation District specifications that prevent free
5269 access along the length of the aquatic areas.

5270 ~~((a-))~~ b. Fencing shall be used as necessary to prevent livestock access to type
5271 S ~~((and))~~, F ~~((waters))~~, and N aquatic areas.

5272 ~~((b-))~~ c. Bridges may be used~~((, in accordance with K.C.C. chapter 21A.24, in~~
5273 ~~lieu of))~~ in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and
5274 abutments shall not be placed within the ordinary high water mark or top-of-bank,
5275 whichever is greater. Bridges shall be designed to allow free flow of flood waters and
5276 shall not diminish flood carrying capacity. These bridges may be placed without a
5277 ~~((county))~~ building permit, but the permit waiver shall not constitute any assumption of
5278 liability by the county with regard to such bridge or its placement. The waiver of a
5279 ~~((county))~~ building permit ~~((requirements))~~ does not constitute a waiver from other
5280 required agency permits.

5281 ~~((B-))~~ C.1. Existing grazing areas without a farm management plan and not
5282 addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative))~~ grazing area buffer
5283 ~~((of))~~ as follows:

5284 a. fifty feet from the ~~((wetland))~~ edge of a category I, II, or III wetland, except
5285 ~~((those wetlands meeting the definition of))~~ grazed wet meadows~~((, or the ordinary high~~
5286 ~~water mark of))~~;

5287 b. fifty feet from a type S ~~((of))~~, F ~~((water))~~, or N aquatic area;

5288 c. twenty-five feet from the edge of a category IV wetland, except grazed wet
5289 meadows; and

5290 d. no minimum from grazed wet meadows.

5291 2. ~~((Forested))~~ The clearing of lands ~~((being cleared))~~ for new grazing areas
5292 shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly

5293 native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian
5294 area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5295 3. ~~((The grazing area buffer may be reduced to twenty five feet where a twenty~~
5296 ~~five foot buffer of diverse, mature vegetation already exists. This buffer reduction may~~
5297 ~~not be used when forested lands are being cleared for grazing areas.~~

5298 4.)) Fencing shall be used to establish and maintain the grazing area buffer
5299 unless the buffer is otherwise impenetrable to livestock.

5300 ~~((5.))~~ 4. Fencing installed in accordance with the ~~((1990 Sensitive Area~~
5301 ~~Ordinance before February 14, 1994))~~ standards in effect before January 1, 2005, at
5302 setbacks other than those specified in subsection B.~~((1. and 2.))~~ of this section shall be
5303 deemed to constitute compliance with those requirements.

5304 ~~((6.))~~ 5. Grazing areas within two hundred feet of a wetland or type S((or)), F
5305 ~~((water or category I, II or III wetland)), or N aquatic area~~ shall not be plowed during the
5306 rainy season from October 1 through April 30.

5307 ~~((7.))~~ 6. Grazing areas may extend to the property line, provided that wetlands
5308 and type S((or)), F ((waters and category I, II and III wetlands)), or N aquatic areas that
5309 are located adjacent to the property line are ~~((buffered))~~ protected in accordance with
5310 subsection ~~((B.1., 2. or 3.))~~ C. of this section.

5311 ~~((C.))~~ D.1. In addition to the grazing area buffers in subsection ~~((B.1. and 2.))~~ C.
5312 of this section, confinement areas located within two hundred feet of any wetland, except
5313 grazed wet meadows, or type S((or)), F, ((waters or category I, II or III, wetlands with the
5314 exception of grazed wet meadows)) or N aquatic areas shall:

5315 a. have a twenty-foot-wide vegetative filter strip downhill from the
5316 confinement area, consisting of heavy grasses or other ground cover with high stem
5317 density and that may also include tree cover;

5318 b. not be located in ~~((the buffer of))~~ a wetland buffer or a riparian area of
5319 ~~a((ny)) type S((or)), F ((water or any wetland buffer required by the critical areas~~
5320 ~~ordinance)), or N aquatic area~~ in effect at the time the confinement area is built, or within
5321 fifty feet of ~~((the))~~ a wetland ~~((edge of any category I, II or III wetland))~~ or ~~((the ordinary~~
5322 ~~high water mark of any)) type S((or)), F ((water)), or N aquatic area.~~ Fencing shall be
5323 used to establish and maintain the wetland buffer ~~((except where existing natural~~
5324 ~~vegetation is sufficient to exclude))~~ or riparian area unless the area is otherwise
5325 impenetrable to livestock ~~((from the buffer. Existing confinement areas that do not meet~~
5326 ~~these requirements shall be modified as necessary to provide the buffers specified in this~~
5327 ~~section within five years of January 1, 2005, though the footprint of existing buildings~~
5328 ~~need not be so modified))~~; and

5329 c. have roof drains of any buildings in the confinement area diverted away
5330 from the confinement area.

5331 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and
5332 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~
5333 subsection C. of this section.

5334 ~~((D.))~~ E.1. Manure storage areas shall be managed as follows:

5335 a. Surface flows and roof runoff shall be diverted away from manure storage
5336 areas;

b. All manure stockpiled within two hundred feet uphill of ~~((any the ordinary high water mark of))~~ a wetland or type S ~~((or))~~, F ~~((water or the edge of a category I, II or III wetland))~~, or N aquatic area shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland.

Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; and

c.(1) Manure shall not be stored in a ~~((ny aquatic area buffer))~~ riparian area or wetland buffer, with the exception of grazed ~~((or tilled))~~ wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

~~((1))~~ (a) any wetland edge excluding grazed ~~((or tilled))~~ wet meadows;

~~((2))~~ (b) the ordinary high water mark of any aquatic area; or

~~((3))~~ (c) any ditch to which the topography would generally direct runoff from the manure ~~((; and))~~.

~~((4))~~ (3) The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

5360 ~~((E-))~~ F. For purposes of this section, "buffer maintenance" means allowing
5361 vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a
5362 filter for storm~~((--))~~water entering the aquatic area, other than noxious weeds, to grow to
5363 its mature height, though grasses in the buffer may be mowed but not grazed. Grading in
5364 the buffer is allowed only for establishment of watering and crossing points, or for other
5365 activities ~~((permitted))~~ in accordance with K.C.C. chapter 21A.24, with the appropriate
5366 permits.

5367 ~~((F-))~~ G. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at
5368 distances other than those specified in these standards, and for which livestock
5369 management farm plans have been developed based on the existing fencing locations,
5370 shall be deemed to be in compliance with the fencing requirements of these standards~~((-~~
5371 ~~Properties with or without a livestock management component of a farm management~~
5372 ~~plan that complied with the fencing requirements in effect before January 1, 2005, shall~~
5373 ~~have five years from January 1, 2005, to meet the fencing requirements for aquatic areas~~
5374 ~~that were exempt from fencing under ordinances in effect before January 1, 2005))~~, but
5375 only if approved fencing is present for type S and F aquatic areas.

5376 ~~((G-))~~ H. Buffer areas shall not be subject to public access, use, or dedication by
5377 reason of the establishment of such buffers.

5378 I. For the purposes of this section, in aquatic areas and riparian areas, distances
5379 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5380 the top of the bank if the ordinary high water mark cannot be identified.

5381 SECTION 102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are
5382 hereby amended to read as follows:

5383 A. A person who alters a critical area or buffer in violation of law shall undertake
5384 corrective work in compliance with this chapter and K.C.C. (~~(chapter 23.08)~~) Title 23.

5385 When feasible, corrective work shall include restoration of the critical area and associated
5386 buffer. Corrective work shall be subject to all permits or approvals required for the type
5387 of work undertaken. In addition, the violator shall be subject to all fees associated with
5388 investigation of the violation and the need for corrective work.

5389 B. When a wetland or buffer is altered in violation of this title, restoration of the
5390 wetland and associated buffer shall comply with the restoration standards in K.C.C.
5391 21A.24.340.

5392 C. When an aquatic area or (~~(buffer)~~) riparian area is altered in violation of this
5393 title, restoration of the (~~(stream and buffer)~~) aquatic area or riparian area shall comply
5394 with the restoration standards in K.C.C. 21A.24.380.

5395 D. All corrective work shall be completed within the time specified in the
5396 corrective work plan, but in no case later than one year from the date the corrective work
5397 plan is approved by the department, unless the director authorizes a longer period. The
5398 violator shall notify the department when restoration measures are installed and
5399 monitoring is commenced.

5400 E. Any failure to satisfy corrective work requirements established by law or
5401 condition including, but not limited to, the failure to provide a monitoring report within
5402 thirty days after it is due or comply with other provisions of an approved corrective work
5403 plan shall constitute a default, and the department may demand payment of any financial
5404 guarantees or require other action authorized by K.C.C. Title 27A or other applicable
5405 law.

5406 F. Reasonable access to the corrective work site shall be provided to King
 5407 County for the purpose of inspections during any monitoring period.

5408 SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130
 5409 are hereby amended to read as follows:

5410 Fees for critical areas review, critical area designation, critical area alteration, flood
 5411 hazard certification and variances for floodplain development, or sea level rise risk area
 5412 shall be charged as follows:

- | | | | |
|------|----|--|--------------|
| 5413 | A. | Critical areas review | |
| 5414 | 1. | Critical area notice on title only | \$423.00 |
| 5415 | 2. | Nonresidential review, basic, per discipline | \$2,327.00 |
| 5416 | 3. | Nonresidential review, complex, per discipline | \$3,813.00 |
| 5417 | 4. | Stewardship planning | \$3,390.00 |
| 5418 | B. | Critical areas designations | |
| 5419 | 1. | Minimum fee per application | |
| 5420 | | <u>a. For sites less than 1 acres</u> | \$1,438.00 |
| 5421 | | <u>b. For sites between 1 and 10 acres</u> | <u>\$TBD</u> |
| 5422 | | <u>c. For sites over 10 acres</u> | <u>\$TBD</u> |
| 5423 | 2. | Fee per discipline if the parcel or parcels for which designations | |
| 5424 | | are requested have one or more critical area, excepting critical | |
| 5425 | | aquifer recharge, seismic hazard, or erosion hazard area | \$1,061.00 |
| 5426 | 3. | Fee for resubmittal of critical area study, per discipline | \$1,061.00 |
| 5427 | C. | Critical area alteration exception | |
| 5428 | 1. | Review, per discipline | \$9,323.00 |

5429	2.	Base fee	\$3,390.00
5430	3.	Extension of approval	\$1,906.00
5431	4.	If applications for a shoreline permit and critical area alteration	
5432		exception are reviewed concurrently, the critical area alteration	
5433		exception application shall be charged fifty percent of the fees	
5434		required by this section.	
5435	D.	Floodplain development: flood hazard certificate review	
5436	1.	Section A	\$423.00
5437	2.	Section B.1, FEMA floodway	\$284.00
5438	3.	Section B.2	\$853.00
5439	E.	Floodplain development inspection	\$635.00
5440	F.	Floodplain development review: floodway and channel migration zone	
5441	1.	Screening and verification	\$423.00
5442	2.	Review of a request for FEMA floodway letter-of-map-amendment	
5443		shall be charged at actual cost to the department including	
5444		consultant costs, administrative costs and cost of review by other	
5445		county departments and governmental agencies.	
5446	G.	Floodplain development review: mapped floodplain	\$212.00
5447	H.	Floodplain development review: unmapped floodplain	
5448	1.	Qualitative floodplain study	\$212.00
5449	2.	Minor floodplain study	\$284.00
5450	3.	Major floodplain study	\$853.00

I. Review of variances for development in a floodplain or sea level rise risk area or for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be charged at actual cost to the department including consultant costs, administrative costs, and cost of review by other county departments and governmental agencies.

SECTION 104. The following are hereby repealed:

- A. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;
- B. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;
- C. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;
- D. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;
- E. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;
- F. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;
- G. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and
- H. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

SECTION 105. By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION 106. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

5474 SECTION 107. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66,
5475 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and
5476 104.B. of this ordinance take effect within the shoreline jurisdiction fourteen days after
5477 the state Department of Ecology provides written notice of final action stating that the
5478 proposal is approved, in accordance with RCW 90.58.090. The executive shall provide
5479 the written notice of final action to the clerk of the council.

5480 SECTION 108. Severability. If any provision of this ordinance or its application

5481 to any person or circumstance is held invalid, the remainder of the ordinance or the
5482 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: A. 2025 Update to 2024 King County Comprehensive Plan, dated August 2025