



King County

Metropolitan King County Council Local Services and Land Use Committee

STAFF REPORT

Agenda Item:	6	Name:	Jenny Ngo
Proposed No.:	2024-0408	Date:	July 16, 2025

SUBJECT

Proposed Ordinance 2024-0408 would adopt updates to a critical area policy in the Comprehensive Plan and implementing critical area regulations.

SUMMARY

Following a two-year process by the Executive, the Council is considering the first major update to critical area regulations since 2004. The Growth Management Act (GMA) requires that critical area regulations be adopted for several types of critical areas, including wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas.

The GMA requires that critical area regulations include 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 update critical areas regulations as part of the 10-year statutory review. Council staff provided an overview of the policy staff analysis (Attachment 4) at the April 16, 2025 meeting. At the May 21, 2025 Committee meeting, Council staff briefed additional material on the impacts of the critical area regulations on agriculture and agricultural activities; the policy staff analysis related to this material is included Attachment 7.

A striking amendment for the Proposed Ordinance will be released on July 15, 2025. At the July 16, 2025 meeting, Council staff will brief the striking amendment. Line amendments will be due to Council staff by the end of the day on July 23, 2025. The Committee is expected to act on the Proposed Ordinance at the August 20, 2025 Committee meeting.

The Proposed Ordinance is required to be adopted by the full Council by the end of December 2025.

BACKGROUND

Growth Management Act (GMA). Under RCW 36.70A.060 and RCW 36.70A.130, the County is required to adopt development regulations that protect critical areas and periodically take action to review and revise these regulations. State law requires the County utilizes BAS when developing policies and regulations to conserve and protect the functions and values of critical areas. The County must also give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.

Timing. Under the GMA, the County is required to update critical area regulations as part of the 10-year statutory update to the Comprehensive Plan and implementing development regulations. The County updated the Comprehensive Plan, and other development regulations and map amendments, in December 2024, as part of Ordinance 19881. The Findings for Ordinance 19881 noted that additional critical area regulations work was ongoing, "as allowed under the reasonable progress exception in RCW 36.70A.130(7)(b)." Under this provision of the GMA, the County has until the end of December 2025 to complete this portion of the 10-year statutory update.

2004 Update. The current critical area regulations were adopted in 2004 as part of Ordinance 15053. Some substantive updates have been made since then, including changes to the allowed alterations within critical areas, allowances for agricultural activities, alteration exceptions and reasonable use exceptions, in lieu fee mitigation program requirements, notice on title, new requirements for vegetation management plans, building setbacks from critical areas, updated floodplain regulations in 2020, critical aquifer recharge area mapping, updates to wetland and stream requirements, including buffer widths, as part of the 2019 Shoreline Master Program periodic update, and listed species requiring wildlife habitat conservation areas.

Types of Critical Areas. The GMA identifies and defines five types of critical areas: geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas. The County may choose to designate other areas for protection. Table 1 identifies the five critical areas designated under the GMA compared to the County's designations, as included in the proposed ordinance or under existing code.

Table 1. Critical Area Types Comparison

Growth Management Act Designations	King County Designations in Proposed Ordinance
Geologically hazardous areas	Geologically hazardous areas
<i>Landslide hazard areas</i>	- Landslide hazard areas - Steep slope hazard areas - Alluvial fan hazard areas
<i>Erosion hazard areas</i>	- Erosion hazard areas
<i>Seismic hazard areas</i>	- Seismic hazard areas - Tsunami hazard areas
	- Channel migration zones - Coal mine hazard areas

	- Volcanic hazard areas
Frequently flooded areas	- Floodplains - Special flood hazard areas - Zero-rise flood fringe; - Zero-rise floodways - FEMA floodways - Channel migration zones
Critical aquifer recharge areas	Critical aquifer recharge areas
Wetlands	Wetlands
Fish and wildlife habitat conservation areas	- Aquatic areas - Riparian areas - Wildlife habitat conservation areas - Wildlife habitat networks

The County defines each critical area and provides specific regulations that limit alterations, including type, intensity, or duration, along with measures to prevent, reduce, eliminate or mitigate impacts. The proposed ordinance defines these critical areas as follows:

Geologically hazard areas include:

- *Landslide hazard area*: an area subject to severe risk of landslide, such as:
 - An area with a combination of:
 - Slopes steeper than fifteen percent of inclination;
 - Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
 - Springs or ground water seepage;
 - An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;
 - Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
 - An area that shows evidence of or is at risk from snow avalanches; or
 - An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.
- *Steep slope hazard area*: an area on a slope of forty percent inclination or more within a vertical elevation change of at least ten feet. For the purpose of this definition, a slope is delineated by establishing its "toe" and "top", and is measured by averaging the inclination over at least ten feet of vertical relief. Also, for the purpose of this definition:
 - The "toe" of a slope means a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "toe" of a slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and
 - The "top" of a slope is a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty

percent or more. Where no distinct break exists, the "top" of a slope is the upper-most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

- *Alluvial fans* are defined as "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." Alluvial fan hazard areas are considered a type of geologically hazardous area and a type of landslide hazardous area.
- *Erosion hazard area*: a geologically hazardous area underlain by soils that are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture Natural Resources Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on slopes inclined at fifteen percent or more:
 - The Alderwood gravely sandy loam ("AgD");
 - The Alderwood and Kitsap soils ("AkF");
 - The Beausite gravely sandy loam ("BeD" and "BeF");
 - The Kitsap silt loam ("KpD");
 - The Ovall gravely loam ("OvD" and "OvF");
 - The Ragnar fine sandy loam ("RaD"); and
 - The Ragnar-Indianola Association ("RdE").
- *Seismic hazard area*: an area subject to severe risk of earthquake damage from seismically induced settlement or lateral spreading as a result of soil liquefaction in an area underlain by cohesionless soils of low density and usually in association with a shallow groundwater table.
- *Tsunami hazard area*: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but not limited to, those areas shown on the Washington Geological Survey Digital Data Series 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.
- *Coal mine hazard area*: an area directly underlain, adjacent to, or affected by operative or abandoned subsurface coal mine workings such as adits, tunnels, drifts, or air shafts.
- *Channel migration zones* are the area along a river channel within which the channel can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. Channel migration zones can either be classified as "moderate" or "severe". Channel migration zones are considered a type of frequently flooded area and type of geologically hazardous area.

Frequently flood areas include floodplains, special flood hazard areas, zero-rise flood fringe, zero-rise floodway, the FEMA floodway, and channel migration zones (described previously).

- *Floodplains*: the total area subject to inundation by the base flood.
- *Special flood hazard area or area of special flood hazard*: the land subject to inundation by the base flood. Special flood hazard areas (SFHA or area of special flood hazard) are designated on flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and VE.
- *Flood fringe, zero-rise*: that portion of the floodplain outside of the zero-rise floodway. The zero-rise flood fringe is generally associated with standing water rather than rapidly flowing water.
- *Floodway, zero-rise*: the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation. For the purpose of this definition, "measurable increase in base flood elevation" means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain. "Zero-rise floodway" is broader than that of the Federal Emergency Management Agency (FEMA) floodway but always includes the FEMA floodway. "Zero-rise floodway" includes the entire floodplain unless a critical areas report demonstrates otherwise.
- *FEMA floodway*: the channel of the stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height at any point. The FEMA floodway is delineated on the Flood Insurance Rate Map and on King County Surface Water Design Manual major floodplain or floodway studies.

A *wetland* is defined as "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." Wetlands are categorized based on the quality of habitat features, flood storage capacity, and water quality capabilities.

Aquatic areas include "shorelines of the state, rivers, streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs," "ditches [especially if used by fish]." Aquatic areas are considered a kind of fish and wildlife habitat conservation areas.

A *riparian area* (formerly aquatic area buffers) is defined as "a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality." riparian areas are considered a kind of fish and wildlife habitat conservation areas.

Other fish and wildlife habitat conservation areas include *wildlife habitat conservation areas*, which is defined as "an area for a species whose habitat the King County

Comprehensive Plan requires the county to protect that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity," and *wildlife habitat networks*, which are designated through a map in the Comprehensive Plan and are further defined as areas "that links wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation."

Critical aquifer recharge areas (CARAs) are areas within a sole source aquifer or a wellhead protection area for potable water systems, and are susceptible to groundwater contamination. There are three categories of CARAs based groundwater contamination susceptibility and location over an aquifer or wellhead protection area.

Best Available Science (BAS) and No Net Loss

The GMA requires that critical area regulations include 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 update critical areas regulations as part of the 10-year statutory review.

Under WAC 365-195-905(3), the Council is responsible for including BAS in the development and implementation of critical areas or regulations. State law encourages the BAS review to include consultation with qualified scientific experts to determine the BAS and assess its applicability to each critical area. State law provides guidelines to determine what constitutes BAS, including data obtained through a valid scientific process. Information from local, state, or federal natural resource agencies that have been determined to represent best available science may be used.

To demonstrate that the BAS was used in developing policies and development regulations, the County is required to address each of the following:

1. Identify the specific policies and development regulations adopted to protect the functions and values of the critical areas at issue;
2. Identify the relevant sources of the best available scientific information used;
3. When departing from BAS, any nonscientific information used as a basis for critical area policies and regulations. When departures from BAS occur, the County should identify the information that supports the departure, explain the rationale for the departure, and identify potential risk to critical area functions and values and any measures to limit risk; and
4. Include the BAS in deciding critical area alteration exceptions and reasonable use exceptions.

ANALYSIS

Summary of BAS Report. The County published a Best Available Science Review and Updates to Critical Areas Protections (BAS Report) in October 2024. The Executive transmitted the BAS Report with the Proposed Ordinance containing the critical area regulations. The BAS Report includes a description of the current best available

science, Comprehensive Plan considerations, proposed regulatory updates, a risk assessment of the proposed regulatory updates (and policy departures from BAS), and a description of the nonregulatory measures that contribute to no net loss. The BAS Report covers wetlands, riparian areas, wildlife habitat, critical aquifer recharge areas, frequently flooded areas, and geologically hazardous areas.

The BAS Report indicates that regulatory changes are needed to align the County's regulations with BAS and state law. The findings and recommendations are as follows:

- Increased environmental protections for wetlands are needed, including buffer increases to some wetlands and revised mitigation ratios. Identified regulatory updates in the BAS Report include a focus on protecting rare wetlands and limiting the impact to wildlife habitat functions of common wetlands.
- Increased environmental protections for fish and wildlife habitat conservation areas are needed, including changes to definitions and riparian area width increases (formerly called aquatic area buffers). Identified regulatory updates in the BAS Report include increased protections for riparian areas and updates to the species of local importance and habitat of local importance lists, which indicate where alterations may require special consideration.
- Alluvial fans, which are designated as a type of geologically hazardous area, require additional standards to reduce public health and safety risks. The BAS Report indicates new alluvial fan development regulations and limiting alterations would reduce risk.
- The BAS Report also indicates that the protections consider multiple GMA goals. Further investment in nonregulatory programs will improve the protection and management of local wetlands, such as updated mapping and a monitoring and adaptive management program, climate gradient analysis for wildlife habitat, updated species and habitat lists, and the continuation of existing programs such as the public benefit rating system.

Substantive Changes. Attachment 4 to the staff report is the Council staff analysis matrix of the Proposed Ordinance. The matrix includes the Executive's proposed changes, rationale, and effect; as well as Council staff analysis of the proposed changes, findings from the BAS, and other background information. Substantive changes described in the matrix include:

- Findings;
- Critical area chapter purpose and applicability;
- General definitions;
- Exemptions from a clearing and grading permit;
- Allowed alterations to critical areas and buffers;
- Critical area alteration exceptions and reasonable use exceptions;
- Critical area review and report requirements;
- Critical area mitigation;
- Notice on title and critical area tracts;
- Channel migration zones;
- Geologically hazardous areas;

- Critical aquifer recharge areas;
- Wetlands and wetland buffers;
- Aquatic areas and riparian areas;
- Wildlife habitat conservation areas;
- Agricultural allowances, farm management plans, and grazing area buffers;
- Rural stewardship plans (proposed to be repealed);
- Shoreline Master Program;
- Violations;
- Consolidated review; and
- Plan update, codification, ecology approval, and severability.

There is also a change proposed in Chapter 5, Environment, of the King County Comprehensive Plan, to delete Policy E-412, related to altering Category IV wetlands less than 2,500 square feet subject to mitigation and criteria.

The matrix also includes a description of the nonregulatory measures that contribute to no net loss cited in the BAS Report, and the legislative markup version of the Comprehensive Plan policies and definition changes made as part of the critical area updates made in the 2024 Comprehensive Plan.

Impacts to Development. Critical areas and their buffers are generally required to be conserved. The critical area regulations establish development standards, allowed uses and alterations, and mitigation are specific to the protections needed for each critical area. Although the standards specific to each critical area varies, the presence of critical areas and their buffers impact the development potential of a property. The Proposed Ordinance includes updates that would modify limitations on activities in or near critical areas. For instance, new restrictions in alluvial fan hazard areas would limit certain alterations and increases to wetland buffer and riparian area widths (formerly called aquatic area buffers) would decrease the area for potential development. The increase to wetland buffer and riparian area widths as proposed is between 25 and 85 feet, depending on the category or type.

As part of the Council's review of the Proposed Ordinance, Executive staff prepared a high-level, theoretical GIS analysis of the potential impacts of the updated riparian area widths on property development within urban unincorporated King County. The analysis is based on assumptions that would lead to an overestimate of parcels, as all streams are Type F or S, meaning the largest widths are used, and site-specific conditions or code provisions that modify density were not included.

The analysis found that 9.8% of analyzed parcels are potentially impacted when applying current riparian area widths for Type S and F streams and that the proposed changes in riparian area widths from 115 feet to 180 feet in width could potentially impact an additional 3.4% of parcels. Executive staff note that although the proposal may have the effect of decreasing the number of potential housing units, these changes are anticipated to be minimal and other factors may already affect development (for instance, limitations from existing development standards or the presence of other critical areas). Executive staff note that the riparian area's estimated impact on urban unincorporated King County residential capacity overall (regardless of riparian width)

will not affect King County's ability to accommodate planned growth in urban unincorporated King County and meet its adopted growth targets. The land capacity analysis from the 2024 Comprehensive Plan estimated approximately 29,000 units of residential capacity in UUKC, sufficient to accommodate the projected 5,412 units of housing growth 2019-2044.

The analysis is included in Attachment 6 to this staff report.

Impacts to Agricultural Activities. Attachment 7 to this staff report includes the policy staff analysis regarding the impacts of the critical area regulations on agriculture and agricultural activities, which was briefed at the May 21, 2025 Committee meeting.

Schedule. The review schedule, Attachment 5 to this staff report, includes the established amendment deadlines, including those for full Council.

INVITED

- John Taylor, Director, Department of Natural Resources and Parks
- Jim Chan, Division Director, Permitting Division, Department of Local Services
- Megan Smith, Environment and Water Quality Policy Manager, Department of Natural Resources and Parks
- Camille Beasley, Environmental Scientist III, Permitting Division, Department of Local Services

ATTACHMENTS

1. Proposed Ordinance 2024-0408 (and its attachment)
2. Transmittal Letter
3. Fiscal Note
4. Council Staff Analysis Matrix dated April 16, 2025
5. Council's Review Schedule for 2025 KCCP, updated May 8, 2025
6. Executive Staff analysis on riparian area widths
7. Agriculture and the Critical Areas Regulations – LSLU 5/21/25

LINKS

All materials for the 2025 KCCP, as well as additional information about the Council's review of the proposal, can be found at:

<https://kingcounty.gov/en/dept/council/governance-leadership/county-council/useful-links/comprehensive-plan/2025>



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2024-0408.1

Sponsors Perry

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

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

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

and K.C.C. 21A.25.150, Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160, Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210, Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045, Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060, Ordinance 15051, Section 228, and K.C.C. 21A.50.035, and Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.24, recodifying K.C.C. 21A.06.1331 and K.C.C. 21A.24.500, and repealing 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Clearing and grading permit requirement exemptions.

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	Out of Critic cal Are a and Buff er	Coa l Min e Haz ard Are a	Erosi on Haza rd Area	Floo d Haz ard Are a	Cha nnel Mig ratio n Haz ard Are a	Land slide & Steep Slop e Haza rd Area s and	Seis mic, Vol c and Tsu nam i Haz	((V olean ic Haz ard))	((Ste ep Slop e Haz ard Buff er))	Criti cal Aqui fer Rech arge Area	Wet land and Buff er	Aqu atic Are a and Buff er ((Buff er))	((Wil dlife Area and Buff er))

						Buff er	ard <u>Are</u> a		<u>vial</u> <u>Fan</u> <u>Haz</u> <u>ard</u> <u>Area</u>			<u>Are</u> a	<u>Area</u> and <u>Wild</u> <u>life</u> <u>Habit</u> at <u>Netw</u> <u>ork</u>
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((N P 3))		NP 3	NP 4 ((N P 23))	NP 4 ((N P 23))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((N P	NP 5	NP 5	NP 5	NP 5	NP 5

								5))					
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((N 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	((N P 25))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((N 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	((N 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	((N P 10))	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the	NP	NP	NP	NP	NP	NP	NP	((N (N	NP				NP

roadway	11	11	11	11	11	11	11	~~P~~	~~P~~	11			11
								~~11~~	~~11~~				
								)	)				
Clearing within the roadway	NP	NP	NP	NP	NP	NP	NP	((N	NP	NP	NP	NP	NP
		12	12	12	12	12	12	~~P~~	12		12	12	12
								~~12~~					
								)					
Maintenance of driveway or private access road	NP	NP	NP	NP	NP	NP	NP	((N	NP	NP	NP	NP	NP
	13	13	13	13	13	13	13	~~P~~	13	13	13	13	13
								~~13~~					
								)					
Maintenance of bridge or culvert	NP	NP	NP	NP	NP	NP	NP	((N	NP	NP	NP	NP	NP
	13,	13,	13,	13,	13,	13,	13,	~~P~~	13,	13,	13,	13,	13,
	14,	14,	14,	14,	14,	14,	14,	~~13,~~	14,	14,	14,	14,	14,
	15	15	15	15	15	15	15	~~14,~~	15	15	15	15	15
								~~15~~					
								)					
((Construction of farm field access drive))	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~	~~16~~
	)	)	)	)	)	)	)	)	)	)	)	)	)
((Maintenance of	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N	((N

water flow control and surface water quality treatment facility								14))					
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((N P 20))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((N P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat (restoration) creat	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((N P 21)	NP 21	NP	NP 21	NP 21	NP 21

<u>ion</u> or enhancement project								24))					
Drilling and testing for critical areas((s)) report <u>or</u> <u>monitoring and</u> <u>data collection</u>	NP 1, 2, <u>22</u>	NP 1, 2, <u>22</u>	NP 1, 2, <u>22</u>	NP 22	NP 22	NP 22	NP 1, 2, 22	((N P1, 2)) 22	NP 22	NP 1, 2, <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	NP ((4 6))	NP ((4 6))	NP ((4 6))	NP ((4 6))	NP ((4 6))		NP ((4 6))	((N P 16)		NP ((4 6))	NP ((4 6))	NP ((4 6))	

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

established and approved cemetery													
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 <u>13</u>	((N P))	NP 13	NP 13	NP 13	NP 13	NP 13

169 E. The following conditions apply:

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

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

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

- 182 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
183 b. in a critical drainage areas established by administrative rules;
184 c. subject to clearing limits included in property-specific development
185 standards and special district overlays under K.C.C. chapter 21A.38; or
186 d. subject to urban growth area significant tree retention standards under
187 K.C.C. 16.82.156 and K.C.C. Title 21A.

188 4. Not allowed within a wetland, aquatic area, or a tree containing an active
189 nest. Otherwise, allowed for ((€))cutting firewood for personal use in accordance with a
190 forest management plan ~~((or rural stewardship plan))~~ approved under K.C.C. Title 21A.
191 For the purpose of this condition, personal use shall not include the sale or other
192 commercial use of the firewood.

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

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

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

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

- 200 a. conducted in accordance with a farm management plan((;)) or a forest
201 management plan((~~;~~ ~~or a rural stewardship plan~~)); or

b. limited to removal with hand labor.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

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

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

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

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

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

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

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

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation~~((:))~~₁ and ~~((b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and the activity is))~~ limited to~~((:))~~ ~~((1)))~~ revegetation of the critical area and ~~((its))~~ associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation using only hand labor; or

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

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

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

(3) hand labor except:

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

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

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

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

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

299 (1) vegetation removal:

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

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

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

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

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

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

310 (c) eighteen feet between tree crowns; and

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

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

~~((1))~~ removal and pruning of trees to provide clearance between tree crowns is limited to providing:

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

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

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

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

26. Only if allowed under K.C.C. 21A.24.045.D.69. 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. Pruning of trees to provide up to ten feet of clearance from overhead

communication cables and electrical wire components of utility facilities, if:

- a. ~~((no))~~ all debris is ~~((left))~~ removed following the pruning activity;
- b. authorized by a right-of-way construction permit;
- c. pruning activities around overhead electrical facilities do not extend fifteen feet beyond the right-of-way; and
- d. any work is approved by the property owner.

28. Tree and vegetation clearing, except for overhead facilities in subsection

E.27. of this section, and except for tree and vegetation clearing subject to K.C.C.

16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows:

- a. Up to thirty feet measured horizontally from the utility facility structure, the following is allowed:

(1) vegetation removal:

- (a) within fifteen feet of the furthest attached exterior point of a structure;

and

- (b) underneath a tree crown to provide up to ten feet of clearance from the

ground to remove ladder fuels;

(2) removal and pruning of trees to provide:

- (a) ten feet of clearance from the ground to remove ladder fuels, as long as

pruning does not exceed one-third of tree height;

360 (b) fifteen feet of clearance over driveways for emergency vehicle access;
361 (c) eighteen feet between tree crowns; and
362 (d) ten feet between tree crowns and structures; and
363 (3) the screening function of any landscaping planted to provide screening in
364 K.C.C. chapter 21A.16 is maintained; and

365 b. All of the activities in subsection E.28.a. of this section are also allowed up
366 to one hundred feet measured horizontally from the utility facility structure if such
367 clearing activity is advised in a wildfire risk assessment conducted by a professional
368 holding a wildfire risk assessment certification, or the activity is advised in a forest
369 stewardship plan approved by the department of natural resources and parks and that
370 includes best management practices to reduce wildfire risks, except that removal and
371 pruning of trees to provide clearance between tree crowns is limited to providing:

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

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

376 SECTION 3. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are
377 hereby amended to read as follows:

378 A. The King County shoreline master program consists of the following
379 elements, enacted on or before the date of enactment of ((Ordinance XXXX (Proposed
380 Ordinance 2023-0440)) this ordinance:

- 381 1. The King County Comprehensive Plan chapter six;
382 2. K.C.C. chapter 21A.25;

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

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

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

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

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

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

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

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

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

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

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

394 ~~((k.))~~ j. K.C.C. 21A.24.275;

395 ~~((l.))~~ k. K.C.C. 21A.24.280;

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

397 ~~((n.))~~ m. K.C.C. 21A.24.300;

398 ~~((o.))~~ n. K.C.C. 21A.24.310;

399 ~~((p.))~~ o. K.C.C. 21A.24.316;

400 ~~((q.))~~ p. K.C.C. 21A.24.318;

401 ~~((r.))~~ q. K.C.C. 21A.24.325;

402 ~~((s.))~~ r. K.C.C. 21A.24.335;

403 ~~((t.))~~ s. K.C.C. 21A.24.340;

404 ~~((u.))~~ t. K.C.C. 21A.24.355;

405 ~~((v.))~~ u. K.C.C. 21A.24.358;

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

411 4. The following:

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

421 5. The 2024 King County Flood Management Plan.

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

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

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

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

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

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

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

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

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

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 include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

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

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

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

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

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

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

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

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

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

"Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and 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 or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Contiguous parcels under separate ownership - two points.

750 a. "Contiguous parcels under separate ownership" means at least two or more
751 parcels under different ownership where either:
752 (1) the enrolling parcels and open space acreage abut each other without a
753 significant human-made barrier separating them; or
754 (2) the enrolling parcels do not abut each other, but abut a publicly owned
755 open space, without a significant human-made barrier separating the publicly owned open
756 space and the open space portion of the parcels seeking open space classification.
757 b. Award of this category requires a single application by multiple owners and
758 parcels with identical qualifying public benefit rating system resources. Only a single
759 application fee is required.
760 c. Contiguous parcels of land with the same qualifying public benefit rating
761 system resources are eligible for treatment as a single parcel if open space classification
762 is sought under the same application except as otherwise prohibited by the farm and
763 agricultural conservation land category. Each parcel need not meet the minimum acreage
764 requirements for a resource category so long as the total area of all enrolling land
765 combined meets any required minimum acreage requirements. The owners of each
766 parcel included in the application shall agree to identical terms and conditions for
767 enrollment in the program.
768 d. Individual parcels or portions of parcels may be withdrawn or removed from
769 open space classification, consistent with all applicable rules and regulations. The
770 continued eligibility of all parcels and associated acreage remaining in open space
771 classification accepted under the same application is dependent upon the continued
772 qualification for a resource category or categories.

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

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

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

796 certified officer of another local government jurisdiction in which the property is located.
797 The property owner may be required to furnish and maintain signage according to county
798 specifications.

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

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

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

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

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

817 5. Resource restoration – five points. "Resource restoration" means restoration
818 of an enrolling area of property benefiting an area in an open space resource category.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

891 A. Aquatic areas:

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

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

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

898 a. used by fish; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

930 B. Obtained and currently holds a United States Department of Agriculture
931 Organic Certification producer certificate; or
932 C. Enrolled, and remains in good standing, in the current use classification "Farm
933 and agricultural land", under chapter 84.34 RCW.

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

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

- 940 A. ~~((Aquatic areas;~~
941 ~~B. Coal mine hazard areas;~~
942 ~~C.)) Critical aquifer recharge areas;~~
943 ~~((D. Erosion hazard areas;~~
944 ~~E. Flood hazard areas;~~
945 ~~F. Landslide hazard areas;~~
946 ~~G. Seismic hazard areas;~~
947 ~~H. Steep slope hazard areas;~~
948 ~~I. Volcanic hazard areas;~~
949 ~~J.)) B. Frequently flooded areas, regulated as Flood Hazard Areas, including:~~
950 1. Floodplains;
951 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;
952 3. Zero-rise flood fringe;

953 4. Zero-rise floodways;
954 5. FEMA floodways; and
955 6. Channel migration zones;
956 C. Fish and wildlife habitat conservation areas, including:
957 1. Aquatic areas;
958 2. Riparian areas;
959 3. Wildlife habitat conservation areas; and
960 4. Wildlife habitat networks;
961 D. Geologically hazardous areas, including:
962 1. Alluvial fan hazard areas;
963 2. Channel migration zones;
964 3. Coal mine hazard areas;
965 4. Erosion hazard areas;
966 5. Landslide hazard areas;
967 6. Seismic hazard areas;
968 7. Steep slope hazard areas;
969 8. Tsunami hazard areas; and
970 9. Volcanic hazard areas; and
971 E. Wetlands(;
972 ~~K. Wildlife habitat conservation areas; and~~
973 ~~L. Wildlife habitat networks)).~~
974 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
975 21A.06 a new section to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1032 A. Alluvial fan hazard areas;
- 1033 B. Channel migration zones;
- 1034 C. Coal mine hazard areas;
- 1035 D. Erosion hazard areas;
- 1036 E. Landslide hazard areas;
- 1037 F. Seismic hazard areas;
- 1038 G. Steep slope hazard areas;
- 1039 H. Tsunami hazard areas; and
- 1040 I. Volcanic hazard areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1093 ~~D. Brook, b))~~Bull trout, which is (~~(also known as)~~) a type of char, and Dolly
1094 Varden char;

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

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

1097 F. Mountain whitefish.

1098 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter
1099 21A.06 a new section to read as follows:

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

1104 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter
1105 21A.06 a new section to read as follows:

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

1109 SECTION 33. Ordinance 10870, Section 288, as amended, and K.C.C.
1110 21A.06.1240 are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1225 8. Wildlife habitat conservation areas; and

1226 9. Wildlife habitat networks.

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

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

supported structure						
~~((Construction of nonresidential structure))~~				~~((A 3))~~	~~((A 3))~~	~~((A 3, 4))~~
Maintenance or repair of existing structure	A 5	<u>A 5, 6</u>	A <u>5</u>	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	<u>A 5, 6,</u> <u>7</u>	A 5, 7	A 7, 8	A 6, 7, 8	A 4, <u>7, 8</u>
Interior remodeling	A		A	A	A	A
Construction of new dock or pier				A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11	A 4
Grading						
Grading		<u>A 13,</u> <u>15, 70</u>	A 13		A 14	A 4, ~~((14))~~
Construction of new slope stabilization	A <u>15, 16</u>	<u>A 15,</u> <u>16</u>	A 15, <u>16</u>	A <u>15, 16</u>	A <u>15, 16</u>	A 4, 15, <u>16</u>
Maintenance of existing slope stabilization	A <u>15, 16</u>	<u>A 15,</u> <u>16</u>	A ~~((13))~~ <u>15, 16</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	A 18, 20	A 14, 18, 20	A 4, ~~((14,))~~ 18, 20
Cutting firewood		<u>A 21</u>	A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
~~((Removal of vegetation for fire safety))~~ <u>Tree and vegetation clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	<u>A 23</u>	A 23	A 23	A 23	A 4, 23
Forest Practices						
Forest management activity	A	<u>A</u>	A	A	A	A 25
Roads						
Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a plat				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Expansion beyond public road	A	<u>A 26</u>	A	A 26	A 26	

right-of way structure						
Repair, replacement, or modification within the roadway	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	<u>A 28,</u> <u>70</u>	A 28	A 28	A 28	A 28
~~((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	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 39,</u> <u>70</u>	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17</u>	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	<u>A 16,</u> <u>39</u>	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	<u>A 16,</u>	A 16,	A 16, 17,	A <u>16,</u> 17, 31	A ~~((4))~~ 27

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

Construction of new surface water conveyance system	A 32, 33	<u>A 32,</u> <u>33, 38</u>	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A <u>32</u> , 33	<u>A 16,</u> <u>32, 33,</u> <u>40, 41</u>	A <u>32</u> , 33	A 16, 32, 38	A 16, <u>32</u> , <u>38</u> , 40, 41	A 4, <u>32</u> , 37
Construction of new surface water flow control or surface water quality treatment facility		<u>A 32</u>		A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	<u>A 16</u>	A 16	A 16	A 16	A 4, <u>16</u>
Construction of new flood protection facility		<u>A 16,</u> <u>42</u>		A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	<u>A 33,</u> <u>43</u>	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	<u>A 61</u>	A 61	A 61	A 61	A 61

Construction of new instream structure or instream work	A 16	<u>A 16</u>	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	<u>A 16</u>	A	A	A	A 4
Recreation						
Construction of new trail	A 46	<u>A 46,</u> <u>47</u>	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48
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>		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

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

waterway						
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((A 53))	<u>A 53, 54</u>	((A 53))	A 53, 54	A 53, 54	A 53, 54
<u>Construction or maintenance of farm field access drive</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>
<u>Construction of nonresidential structure</u>		<u>A 3</u>		<u>A 3</u>	<u>A 3</u>	<u>A 3, 4</u>
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, landscaping, or garden for personal consumption	A 59	<u>A 59</u>	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1233 D. The following alteration conditions apply:

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

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

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

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

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

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

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

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

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

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

1259 ~~(3) on a site with a shoreline environment designation of natural, the greater~~
1260 ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~
1261 ~~subject property, as measured from the ordinary high water mark; and~~
1262 ~~g. to the maximum extent practical, alterations are mitigated on the~~
1263 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~

1264 Repealed.

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

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

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

1271 c. the structure is either:

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

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

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

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

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

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

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

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

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

1291 and

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

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

1298 5. Allowed for structures when:

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

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

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

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

1306 a. existing legally established primary structures if:

1307 (1) there is not an increase of the footprint of any existing structure; and
1308 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1309 and

1310 b. existing legally established accessory structures if:

1311 (1) additions to the footprint will not make the total footprint of all existing
1312 structures more than one((-)) thousand square feet; and
1313 (2) there is no(~~tan~~) expansion of the footprint towards any source of
1314 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that
1315 the location is less subject to risk and has less impact on the critical area.

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

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

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

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

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

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

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

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

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

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

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

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

- 1350 8. Allowed upon another portion of an existing impervious surface outside a
1351 severe channel migration hazard area if:
- 1352 a. except as otherwise allowed under subsection D.7. of this section, the
1353 structure is not located closer to the critical area;
- 1354 b. except as otherwise allowed under subsection D.7. of this section, the
1355 existing impervious surface within the critical area or buffer is not expanded; and
- 1356 c. the degraded buffer area is enhanced through removal of nonnative plants
1357 and replacement with native vegetation or climate-smart plants in accordance with an
1358 approved ~~((landscaping))~~ mitigation plan.
- 1359 9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland
1360 or ~~((its))~~ associated buffer or along a lake shoreline or ~~((its buffer))~~ the adjacent riparian
1361 area where:
- 1362 a. the vegetation where the alteration is proposed does not consist of dominant
1363 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
1364 of this vegetation is not the result of any violation of law;
- 1365 b. the wetland or lake shoreline is not a salmonid spawning area;
- 1366 c. hazardous substances or toxic materials are not used; and
- 1367 d. if located in a freshwater lake, the pier or dock conforms to the standards for
1368 docks under K.C.C. 21A.25.180.
- 1369 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
1370 materials are not used.
- 1371 11. Allowed on type S or F aquatic areas outside of the severe channel
1372 migration hazard area if in compliance with K.C.C. 21A.25.180.
-

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

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

14. ~~((The following are allowed in the severe channel migration hazard area if 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.)) Repealed.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1417 b. within a wildlife habitat network, cutting shall be in accordance with a
1418 management plan approved under K.C.C. 21A.24.386; and
- 1419 c. when firewood is for personal use, cutting is allowed within ((a)) critical
1420 areas and critical area buffers((, cutting shall be for personal use and)) when done in
1421 accordance with an approved forest management plan ((or rural stewardship plan)).
- 1422 22. ((Allowed only in buffers if in accordance with best management practices
1423 approved by the King County fire marshal)) Not allowed in wetlands, aquatic areas,
1424 wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise,
1425 allowed in critical areas and associated buffers within the wildland urban interface if
1426 limited to the activities listed in K.C.C. 16.82.051.E.23.
- 1427 23. Allowed as follows:
- 1428 a. if conducted in accordance with an approved forest management plan((;)) or
1429 farm management plan((, or rural stewardship plan)); or
- 1430 b. without an approved forest management plan((;)) or farm management
1431 plan((, or rural stewardship plan)), only if:
- 1432 (1) removal is undertaken with hand labor, including hand-held mechanical
1433 tools, unless the King County noxious weed control board otherwise prescribes the use of
1434 riding mowers, light mechanical cultivating equipment, or herbicides or biological
1435 control methods;
- 1436 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;
- 1437 (3) the cleared area is revegetated with native vegetation or climate-smart
1438 plants and stabilized against erosion; and
- 1439 (4) herbicide use is in accordance with federal and state law((;)).

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

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

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

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

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

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

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

1473 28. Allowed only if:

1474 a. an alternative access is not available;

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

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

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

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

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

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

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

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

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

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

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

1494 30. Allowed only if:

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

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

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

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

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

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

1509 33. Allowed outside the roadway if:

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

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

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

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

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

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

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

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

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

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

1529 (1) the width is the minimized;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1567 38. Allowed if:

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

- 1574 b. the volume of discharge is minimized through application of low impact
1575 development and water quality measures identified in the King County Surface Water
1576 Design Manual;
- 1577 c. the conveyance and outfall are installed with hand equipment where
1578 feasible;
- 1579 d. the outfall shall include bioengineering techniques where feasible; and
- 1580 e. the outfall is designed to minimize adverse impacts to critical areas.
- 1581 39. Allowed only if:
- 1582 a. there is no feasible alternative with less impact on the critical area and ~~((its))~~
1583 associated buffer;
- 1584 b. to the maximum extent practical, the bridge or culvert is located to minimize
1585 impacts to the critical area and ~~((its))~~ associated buffer;
- 1586 c. the bridge or culvert is not located over habitat used for salmonid rearing or
1587 spawning unless there is no other feasible crossing site;
- 1588 d. construction occurs during approved periods for in-stream work; and
- 1589 e. bridge piers or abutments for bridge crossings are not placed within the
1590 FEMA floodway, severe channel migration hazard area, or waterward of the ordinary
1591 high water mark.
- 1592 40. Allowed for an open, vegetated stormwater management conveyance system
1593 and outfall structure that simulates natural conditions if:
- 1594 a. fish habitat features necessary for feeding, cover, and reproduction are
1595 included when appropriate;

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

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

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

a. necessary to avoid erosion of slopes; and

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

42. Allowed in a severe channel migration hazard area, riparian area, or an ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

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

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before

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

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1685 f. the construction occurs during approved periods for instream work; ~~((and))~~
- 1686 g. the trail corridor will not change or diminish the overall aquatic area flow
- 1687 peaks, duration or volume or the flood storage capacity((-));
- 1688 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
- 1689 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
- 1690 the maximum extent practical;
- 1691 i. trail maintenance or expansion does not involve the use of herbicides,
- 1692 hazardous substances, sealants, or other liquid oily substances within aquatic areas,
- 1693 riparian areas, wetlands or associated buffers;
- 1694 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a
- 1695 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform
- 1696 or to a permitted dock or pier; and
- 1697 ~~((i. A))~~ k. a private viewing platform may be allowed if it is:
- 1698 (1) located upland from the wetland edge or the ordinary high water mark of
- 1699 an aquatic area;
- 1700 (2) located where it will not be detrimental to the functions of the wetland or
- 1701 aquatic area and will have the least adverse environmental impact on the critical area or
- 1702 ~~((its))~~ associated buffer;
- 1703 (3) limited to fifty square feet in size;
- 1704 (4) constructed of materials that are nontoxic; and
- 1705 (5) on footings located outside of the wetland or aquatic area.
- 1706 48. Only if the maintenance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1740 b. survey monument placement;

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

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

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

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

- 1753 a. the site is predominantly involved in the practice of ~~((agriculture))~~
1754 agricultural activities;
- 1755 b. there is no expansion into an area that:
- 1756 (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G
1757 forest practice permit; or
- 1758 (2) is ~~((more than ten thousand square feet with tree cover at a uniform~~
1759 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~
1760 ~~the trees at least four inches diameter at breast height))~~ a wetland, wetland buffer, or
1761 riparian area that contains predominately native forest overstory, shrub, or herbaceous
1762 layer, not including areas that are actively managed as agricultural crops for pulpwood,
1763 Christmas trees₂ or ornamental nursery stock;
- 1764 c. the activities are in compliance with an approved farm management plan in
1765 accordance with K.C.C. 21A.24.051; and
- 1766 d. all best management practices associated with the activities specified in the
1767 farm management plan are installed and maintained.
- 1768 55. Only allowed in grazed or tilled wet meadows or ~~((their))~~ associated buffers
1769 if:
- 1770 a. the facilities are designed to the standards of an approved farm management
1771 plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ~~((or an~~
1772 ~~approved livestock management plan in accordance with K.C.C. chapter 21A.30))~~);
- 1773 b. there is not a feasible alternative location available on the site; and
- 1774 c. the facilities are located close to the outside edge of the buffer to the
1775 maximum extent practical.
-

1776 56. Only allowed in:

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

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

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

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

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

1782 critical area buffers have been minimized;

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

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

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

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

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

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

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

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

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

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

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

1794 installed and maintained.

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

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

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

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

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

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

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

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

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

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

1813 (4) the width of clearing is minimized;

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

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

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

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

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

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

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

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

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

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

1837 b. Only allowed if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1909 h. exterior lighting shall meet the following criteria:

1910 (1) limited to the minimum quantity of lights necessary to meet the building
1911 code requirements to allow for safe exiting of the structure and stairway; and
1912 (2) exterior lights shall be fully shielded and shall direct light downward, in
1913 an attempt to minimize impacts to the nighttime environment;
1914 i. unless otherwise approved by the department, all external construction shall
1915 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
1916 species during typical breeding, nesting, and rearing seasons;
1917 j. trail access to the structure shall be designed in accordance with trail
1918 standards under subsection D.47. of this section;
1919 k. to the maximum extent practical, existing native vegetation shall be left
1920 undisturbed. Only minimal hand clearing of vegetation is allowed; and
1921 l. vegetated areas within the critical area buffer or riparian area that are
1922 temporarily impacted by construction of the structure shall be restored by planting native
1923 vegetation or climate-smart plants according to a ~~((vegetation management))~~ mitigation
1924 plan approved by the department.
1925 65. Shoreline water dependent and shoreline water oriented uses are allowed in
1926 ~~((the aquatic area and aquatic area buffer of a))~~ ~~((F))~~ type S aquatic area and adjacent
1927 riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the King
1928 County Comprehensive Plan.
1929 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the
1930 requirements of K.C.C. 21A.08.100B.14., and only as follows:
1931 a. there is ~~((not another))~~ no other feasible location within the aquatic area with
1932 less adverse impact on the critical area and ~~((its))~~ associated buffer;

- 1933 b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid
1934 rearing or spawning or by a species listed as endangered or threatened by the state or
1935 federal government unless the department determines that there is no other feasible
1936 location;
- 1937 c. the facility is not located in Category I wetlands or Category II wetlands
1938 with a habitat score of ~~((8))~~ eight points or greater;
- 1939 d. the corridor width is minimized to the maximum extent practical;
- 1940 e. paralleling the channel or following a down-valley route within ~~((an aquatic~~
1941 ~~area buffer))~~ riparian area is avoided to the maximum extent practical;
- 1942 f. the construction occurs during approved periods for instream work;
- 1943 g. the facility and corridor will not change or adversely impact the overall
1944 aquatic area flow peaks, duration or volume or the flood storage capacity;
- 1945 h. the facility and corridor ~~((is))~~ are not located within a severe channel
1946 migration hazard area;
- 1947 i. to the maximum extent practical, buildings will be located outside the
1948 wetland buffer or riparian area and away from the wetland or aquatic area ~~((or wetland))~~;
- 1949 j. to the maximum extent practical, access for maintenance is at limited access
1950 points into the critical area or associated buffer rather than by a parallel maintenance
1951 road. If a parallel maintenance road is necessary, the following standards are met:
- 1952 (1) to the maximum extent practical the width of the maintenance road is
1953 minimized and in no event greater than fifteen feet; and
- 1954 (2) the location of the maintenance road is contiguous to the utility corridor
1955 on the side of the utility corridor farthest from the critical area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1989 69. Only for maintenance of agricultural waterways if:

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

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

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

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

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

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

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

2009 b. to prevent an imminent threat to:

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

2011 (2) sole access driveways and roads;

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

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

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

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

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

- 2022 f. proposed in-stream work is minimized or results in the least adverse impact
2023 in the short term to the ecological functions and values of the critical areas present,
2024 including special consideration for fish or fish eggs in the project area;
- 2025 g. downstream sediment runoff and turbidity is minimized and does not exceed
2026 the impact of the emergency event;
- 2027 h. the applicant provides sufficient notice of work to the department for a
2028 department representative to be present at the site during work activities, if the
2029 department determines that observation is necessary;
- 2030 i. as part of the permitting process following the emergency authorization, the
2031 applicant proposes compensatory mitigation and additional alterations as necessary to:
- 2032 (1) mitigate any adverse ecological impacts of the emergency actions;
2033 (2) minimize the risk of alluvial fan hazards that could result in the necessity
2034 of future emergency actions to the maximum extent practical; and
- 2035 (3) minimize to the maximum extent practical the frequency and magnitude
2036 of future adverse ecological impacts that may result from future hazard mitigation
2037 activities; and
- 2038 j. nonemergency work required under the subsequent permit occurs during
2039 approved periods for in-stream work and conforms to all other standards in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

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

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

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

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

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

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

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

e. the linear alteration:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2231 C. For the purpose of this section:

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

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

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

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

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

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

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

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

2255 B. An affidavit indicating whether:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2309 3. A county, state, or federal agency adopts critical area maps that conflict with
2310 the department's written determination.

2311 ~~((2. As part of its review of a complete application for a permit or approval, the~~
2312 ~~department shall establish whether the written determination is still effective.~~

2313 ~~F. If the department designates critical areas on a site under this section, the~~
2314 ~~applicant for a development proposal on that site shall submit proof that a critical area~~
2315 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~

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 48. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ~~((Before any))~~ Prior to clearing, grading, or site preparation, 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))~~:

1. The existence, location, and classification of ~~((A))~~ critical areas on the ~~((development proposal site))~~ parcel;
2. ~~((An active breeding site of a protected species on the development proposal site; or~~

2338 ~~3. A critical area or active breeding site of a protected species that has been~~
2339 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~
2340 ~~from the boundaries of the site))~~ The existence, location, and classification of critical
2341 areas within three hundred feet of the site that can be identified by use of available data
2342 and methods including, but not limited to, visual observations from right-of-way or
2343 property with right of entry, mapping, aerial imagery, critical area determinations for
2344 other permits, and available critical area reports;

2345 3. The boundaries of critical area buffers and critical area setbacks that apply to
2346 the site and area within three hundred feet of the site, consistent with the standards and
2347 regulations of this chapter; and

2348 4. Compliance with all other standards and regulations of this chapter.

2349 B. As part of the critical area review, the department shall review ~~((the critical~~
2350 ~~area reports and determine))~~ whether:

2351 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area
2352 designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as
2353 recodified by this ordinance;

2354 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical
2355 area report or reports are required with the application under K.C.C. 21A.110;

2356 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,
2357 associated buffers, and critical area setbacks have been applied to the site and accurately
2358 identified, delineated, and classified within the application documents;

2359 4. ~~((The sequence))~~ Proposed alterations prioritize avoidance and minimization
2360 measures, followed by mitigation requirements in K.C.C. 21A.24.125 ~~((has been~~
2361 ~~followed to avoid impacts to critical areas and critical area buffers))~~; ~~((and))~~

2362 5. Proposed ~~((M))~~mitigation measures required to compensate for unavoidable
2363 adverse impacts to critical areas ~~((is required and whether the mitigation and monitoring~~
2364 ~~plans and bonding measures proposed by the applicant are sufficient to protect the~~
2365 ~~general public health, safety and welfare,))~~ and associated buffers are in compliance with
2366 K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and

2367 6. Proposed alterations are consistent with the goals, purposes, objectives, and
2368 requirements of this chapter.

2369 C. If a development proposal does not involve any site disturbance, clearing, or
2370 grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04,
2371 critical area review is not required, unless the development proposal is located within a:

- 2372 1. Flood hazard area;
2373 2. Critical aquifer recharge area; or
2374 3. Landslide hazard area, steep slope hazard area, seismic hazard area, or coal
2375 mine hazard area and the proposed development will cause additional loads on the
2376 foundation, such as by expanding the habitable square footage of the structure or by
2377 adding or changing structural features that change the load bearing characteristics of the
2378 structure.

2379 D. The determinations made under critical area review of a development proposal
2380 permit application shall be consolidated with and subject to the same appeal process as
2381 the underlying development proposal, except for any determinations made under an

2382 effective critical area designation under K.C.C. 21A.24.500, as recodified by this
2383 ordinance, that are classified as an independent decision under K.C.C. 20.20.020.

2384 SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C.
2385 21A.24.110 are hereby amended to read as follows:

2386 A. An ~~((applicant))~~ application for a development proposal that requires critical
2387 area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this
2388 ordinance, shall submit a critical area report at a level determined by the department to
2389 adequately evaluate the proposal and all probable impacts in accordance with the
2390 applicable critical area report criteria of this chapter.

2391 B. The applicant may combine a critical area report with ~~((any))~~ additional
2392 studies required by other laws and regulations.

2393 C. If the development proposal will affect only a part of the development
2394 proposal site, the department may limit the scope of the required critical area report to
2395 include only that part of the site that is affected by the development proposal.

2396 D.1. Floodplain development that was not assessed through the King County
2397 Programmatic Habitat Assessment prepared for the National Flood Insurance program
2398 and the Endangered Species Act shall include an assessment of the impact of the
2399 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2400 a. ~~((A))~~a Biological Evaluation or Biological Assessment that has received
2401 concurrence from the United States Fish and Wildlife Service or the National Marine
2402 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2403 b. ~~((D))~~documentation that the activity fits within a Habitat Conservation Plan
2404 approved pursuant to Section 10 of the Endangered Species Act;

2405 c. ~~((D))~~documentation that the activity fits within Section 4(d) of the
2406 Endangered Species Act;

2407 d. ~~((A))~~an assessment prepared in accordance with Regional Guidance for
2408 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.
2409 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or~~
2410 ~~more))~~ of the following:

2411 (1) the primary constituent elements identified when a species is listed as
2412 threatened or endangered;

2413 (2) Essential Fish Habitat designated by the National Marine Fisheries
2414 Service;

2415 (3) fish and wildlife habitat conservation areas;

2416 (4) vegetation communities and habitat structures;

2417 (5) water quality;

2418 (6) water quantity, including flood and low flow depths, volumes, and
2419 velocities;

2420 (7) the river or stream channel's natural planform pattern and migration
2421 process;

2422 (8) spawning substrate, if applicable; and

2423 (9) floodplain refugia, if applicable.

2424 2. The department ~~((must))~~ shall require ~~((a))~~ projects with adverse ~~((effects))~~
2425 impacts on critical areas or associated buffers to ~~((comply with the impact))~~ prioritize
2426 avoidance((-)) and minimization ((and)) measures, followed by mitigation requirements
2427 of K.C.C. 21A.24.125 and 21A.24.130.

2428 NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24
2429 a new section to read as follows:

2430 A. An applicant for a development proposal that requires geological critical area
2431 review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level
2432 of detail determined by the department to adequately evaluate the proposal and all
2433 probable impacts.

2434 B. The geological critical area report shall address all areas of the proposed
2435 development site and geologically hazardous areas within three hundred feet of the site or
2436 that have the potential to affect or be affected by the proposal.

2437 C. The geological critical area report shall be prepared, stamped, and signed by a
2438 geological professional.

2439 D. The geological critical area report shall contain, at a minimum, the following
2440 information:

2441 1. A description of site conditions that includes:
2442 a. existing development including structures, impervious surfaces, wells, drain
2443 fields, drain field reserve areas, roads, easements, and utilities on the site;
2444 b. the quantity and type of existing vegetation cover;
2445 c. a description of the ground surface inclination in percent gradient; and
2446 d. the location or evidence of any springs, seeps, or other expressions of
2447 groundwater.

2448 2. A evaluation of the geological conditions of the site that includes:

- 2449 a. references to mapped geological soil and bedrock units, seismic faults,
2450 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and
2451 historical coal mines;
- 2452 b. available geotechnical reports, well logs, or other data sources within the
2453 vicinity of the site;
- 2454 c. geomorphological features of the site visible through site inspection, aerial
2455 photography, LIDAR imagery, or topographic contours;
- 2456 d. on-site soil explorations of sufficient location, distribution, and depth to
2457 adequately characterize the subsurface conditions of the site;
- 2458 e. engineering properties of the subsurface soils or bedrock or both on site and
2459 adjacent properties; and
- 2460 f. identification of all existing fill areas;
- 2461 3. A hazard analysis and finding of risks associated with relevant geologic
2462 hazards and the potential impacts to public safety, the hazard area, and the subject
2463 property including, but not limited to:
- 2464 a. slope stability;
- 2465 b. liquefaction hazard;
- 2466 c. debris runout;
- 2467 d. channel migration;
- 2468 e. erosion rates, slope recession rates, and potential impacts to existing or
2469 proposed development from waves or currents, stream meandering, or other erosional
2470 forces to determine the recommended solution for bank or shoreline stabilization; and
2471 f. additional information required by K.C.C. 21A.25.170, if applicable;
-

- 2472 4. An evaluation of proposed development which includes;
- 2473 a. location and description of proposed development activity;
- 2474 b. method of drainage and locations of all existing and proposed surface and
- 2475 subsurface drainage facilities and patterns, including infiltration testing or other
- 2476 geological review specifics as required by the King County Surface Water Design
- 2477 Manual;
- 2478 c. locations and methods for temporary and permanent erosion control;
- 2479 d. recommendations for structure siting limitations, including buffers and
- 2480 setbacks, in accordance with the development standards of geologically hazardous areas
- 2481 in this chapter;
- 2482 e. recommendations for engineering mitigation of hazards; and
- 2483 f. recommendations for vegetation management to mitigate hazards;
- 2484 5. A determination stating whether the proposed alterations minimize risks to
- 2485 people and development on and off the site in accordance with the development standards
- 2486 of this chapter, and rationale to support the determination based on the presented data,
- 2487 analysis, and scientific and engineering practice;
- 2488 6. A site plan that includes:
- 2489 a. the topography with vertical contour intervals of five feet or less unless the
- 2490 underlying project permit requires a smaller interval;
- 2491 b. significant geologic contacts, landslides, or downslope soil movement on
- 2492 and within three hundred feet of the site;
- 2493 c. all identified geologically hazardous areas, buffers, and critical area
- 2494 setbacks;

2495 d. exploration locations;

2496 e. locations of proposed development and clearing limits, if known, and

2497 f. transects of any provided cross-sections;

2498 7. All subsurface exploration logs, test logs and results, and other data sources

2499 used in the analyses, and

2500 8. Any other information determined by the department to be necessary to

2501 determine compliance with this chapter including, but not limited to, the use of LIDAR,

2502 technical reports, soil field or laboratory testing, studies or documents related to geologic

2503 hazards, and models for estimating how far landslide materials will travel.

2504 E. The department shall require a project with adverse impacts to prioritize

2505 avoidance and minimization measures, followed by mitigation requirements of K.C.C.

2506 21A.24.125 and 21A.24.130.

2507 NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24

2508 a new section to read as follows:

2509 A. An applicant for a development proposal that requires ecological critical area

2510 review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level

2511 of detail determined by the department to adequately evaluate the proposal for all

2512 probable impacts.

2513 B. The ecological critical area report shall address all areas of the proposed

2514 development site and ecological critical areas within three hundred feet of the site or that

2515 have the potential to affect or be affected by the proposal. Ecological critical areas

2516 include wetlands and all fish and wildlife habitat conservation areas.

2517 C. The ecological critical area report shall be prepared and signed by an
2518 ecological professional.

2519 D. The ecological critical area report shall contain, at a minimum, the following
2520 information:

2521 1. A wetland, aquatic area, and riparian area delineation report that includes:

2522 a. identification of wetlands and delineation of associated boundaries in
2523 accordance with the approved federal wetland delineation manual and applicable regional
2524 supplement as set forth in WAC 173-22-035, including completed data forms and data
2525 point locations to demonstrate the presence or absence of wetland conditions;

2526 b. rating of wetlands in accordance with the Washington State Wetland Rating
2527 System for Western Washington Version 2.0, Washington state Department of Ecology
2528 publication number 23-06-009, published 2014 and updated 2023, including completed
2529 rating forms;

2530 c. identification of aquatic area locations, typing, and ordinary high water
2531 marks;

2532 d. identification of severe channel migration hazard areas and floodplains; and

2533 e. determination of applicable wetland buffers and riparian areas;

2534 2. A wildlife study and habitat assessment that identifies any known nests or
2535 breeding sites and potential habitat for any federal or state listed endangered, threatened,
2536 sensitive, or candidate species or King County species of local importance, and delineates
2537 any known wildlife habitat conservation areas and wildlife habitat networks;

2538 3. A description of existing onsite and adjacent site conditions that includes:

- 2539 a. existing development including, but not limited to, structures, roads,
2540 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing
2541 development is not legally established;
- 2542 b. the extent and dominant species composition of existing vegetative cover;
- 2543 c. existing hydrologic characteristics of any wetland or aquatic areas, including
2544 sources of hydrology;
- 2545 d. functions and values of all critical areas found; and
- 2546 e. location, species, and diameter at breast height of trees three inches in
2547 diameter at breast height or larger within critical areas and associated buffers that are
2548 within the proposed clearing limits and within striking distance of the proposed
2549 development. The department may require tree locations to be surveyed;
- 2550 4. If unavoidable impacts to critical areas or buffers are proposed, an impact
2551 analysis that includes:
- 2552 a. demonstration that adverse impacts prioritized avoidance and minimization
2553 measures, followed by mitigation sequencing in K.C.C. 21A.24.125.
- 2554 b. calculation of square footage of direct permanent impacts to each critical
2555 area and buffer;
- 2556 c. calculation of square footage of temporary impacts to each critical area and
2557 associated buffer, and estimation of the time required for ecological functions to be
2558 restored;
- 2559 d. calculation of indirect impacts to wetlands in accordance with Wetland
2560 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2

2561 Washington state Department of Ecology, publication number 21-06-003, published
2562 April 2021;

2563 e. description of vegetation, habitat, functions, and values of each critical area
2564 that will be lost or modified due to the proposed impacts;

2565 f. an analysis demonstrating that the hydrology of remaining wetlands on or
2566 adjacent to the site will not be substantially impacted by the project, using the wetland
2567 hydrology protection guidelines in the King County Surface Water Design Manual; and

2568 g. a tree risk assessment prepared by an arborist certified by the International
2569 Society of Arboriculture for any hazard trees proposed for removal within critical areas
2570 or associated buffers;

2571 5. A mitigation plan that includes:

2572 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,
2573 or creation of critical areas and associated buffers for which mitigation is required;

2574 b. description of on-site mitigation activities proposed and justification that
2575 impacts will be adequately offset to ensure no net loss of critical area functions and
2576 values, including use of the credit-debit method as applicable for wetland impacts in
2577 accordance with Washington state Department of Ecology's Calculating Credits and
2578 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,
2579 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

2580 c. calculations of mitigation area required for permanent impacts or long-term
2581 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

2582 d. calculation of restoration area required for temporary impacts where
2583 ecological functions are expected to be restored within one year;

- 2584 e. depiction of proposed mitigation and restoration areas and example of
2585 planting plan, including irrigation if applicable;
- 2586 f. plan for installation of wildlife lighting;
- 2587 g. depiction of wildlife-passable fencing and permanent critical area signs at
2588 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and
- 2589 h. justification for and description of any proposed off-site mitigation,
2590 including location, methods, quantities, and demonstration that equivalent or greater
2591 ecological functions will be achieved;
- 2592 6. A monitoring plan that includes:
- 2593 a. a monitoring schedule of five years, unless otherwise directed by the
2594 department;
- 2595 b. success criteria for mitigation activities to meet at the end of each
2596 monitoring year;
- 2597 c. monitoring methods sufficient to determine if success criteria are being met
2598 throughout the mitigation area;
- 2599 d. a maintenance plan to ensure success criteria are met; and
- 2600 e. a contingency plan if it is determined that mitigation fails to meet success
2601 criteria;
- 2602 7. A site plan depicting:
- 2603 a. mapped locations of all on-site critical areas and approximated locations of
2604 all off-site critical areas within three hundred feet of the site;
- 2605 b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24;
- 2606 c. critical area setback lines applied in accordance with K.C.C. 21A.24.200;

d. existing and proposed alterations, including but not limited to structures, impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and

e. all property lines, setbacks, and easements; and

8. Additional information determined by the department to be necessary to comply with this chapter.

SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. If mitigation is required under this chapter to compensate for adverse impacts, ~~((unless otherwise provided, an applicant shall:~~

~~1. Mitigate adverse impacts to:~~

~~a. critical areas and their buffers; and~~

~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~

~~2. Monitor the performance of any required mitigation))~~ the mitigation shall be designed to:

1. Achieve no net loss of critical area ecological functions for the entire scope of the development; and

2. Not create adverse impacts on other critical area functions.

B. When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for

2630 critical area resource conservation based on watershed or comprehensive resource
2631 management plans applicable to the area of impact. The department shall require
2632 appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical
2633 area ecological functions as conditions of approval for mitigation measures, which may
2634 include conservation easements, financial guarantees, and performance monitoring.

2635 C. The department shall not approve a development proposal until mitigation and
2636 monitoring plans are ~~((in place))~~ established ~~((to mitigate for alterations to critical areas~~
2637 ~~and buffers))~~ and financial guarantees have been posted in accordance with K.C.C. Title
2638 27A.

2639 ~~((C.))~~ D. Whenever mitigation is required, an applicant shall submit a critical
2640 area report ~~((that includes:~~

2641 ~~1. An analysis of potential impacts;~~

2642 ~~2. A mitigation plan that meets the specific mitigation requirements in this~~
2643 ~~chapter for each critical area impacted; and~~

2644 ~~3. A monitoring plan that includes:~~

2645 ~~a. a demonstration of compliance with this title;~~

2646 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~
2647 ~~impacts if:~~

2648 ~~(1) the department determines that failure of the mitigation would result in a~~
2649 ~~significant impact on the critical area or buffer; or~~

2650 ~~(2) the mitigation involves the creation of a wetland; and~~

2651 ~~c. a monitoring schedule that may extend throughout the impact of the activity~~
2652 ~~or, for hazard areas, for as long as the hazard exists.~~

2653 ~~D.))~~ in accordance with this chapter.

2654 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves
2655 ~~((the))~~ all applicable mitigation and monitoring plans. The applicant shall notify the
2656 department when mitigation is installed and monitoring ~~((is))~~ has commenced and shall
2657 provide King County with reasonable access to the ~~((mitigation))~~ site for the purpose of
2658 inspections during ~~((any))~~ the monitoring period.

2659 ~~((E.))~~ F. If monitoring reveals a significant deviation from predicted impact or a
2660 failure of mitigation requirements, the applicant shall implement an approved
2661 contingency plan. The contingency plan constitutes new mitigation and is subject to all
2662 mitigation requirements, including a revised monitoring plan and revised financial
2663 guarantee requirements.

2664 SECTION 53. Ordinance 15051, Section 151, as amended, and K.C.C.
2665 21A.24.133 are hereby amended to read as follows:

2666 A. To the maximum extent practical, ~~((an applicant shall mitigate))~~ and after
2667 application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse
2668 impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat
2669 conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the
2670 development site. The department may approve mitigation that is off-site ~~((the~~
2671 ~~development site))~~ if an applicant demonstrates that:

2672 1. It is not practical to mitigate on or contiguous to the development proposal
2673 site; and

2674 2. The off-site mitigation will achieve equivalent or greater hydrological, water
2675 quality, and ~~((wetland or aquatic area))~~ habitat functions.

2676 B. When off-site mitigation is authorized, the department shall give priority to
2677 locations within the same drainage subbasin as the development proposal site that meet
2678 the following:

2679 1. Mitigation banking sites and resource mitigation reserves as authorized by
2680 this chapter;

2681 2. Private mitigation sites that are established in compliance with the
2682 requirements of this chapter and approved by the department; ~~((and))~~ or

2683 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~
2684 supported by ecological assessments, including wetland and aquatic areas established as
2685 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

2686 C. The department ~~((may))~~ shall require documentation that the mitigation site
2687 has been permanently preserved from future development or alteration that would be
2688 inconsistent with the functions of the mitigation. The documentation may include, but is
2689 not limited to, a conservation easement or other agreement between the applicant and
2690 owner of the mitigation site. King County may enter into agreements or become a party
2691 to any easement or other agreement necessary to ensure that the site continues to exist in
2692 its mitigated condition.

2693 D. The department shall maintain a list of sites available for use for off-site
2694 mitigation projects.

2695 E.1. ~~((The department and the department of natural resources and parks have
2696 develop a program to allow the payment of a fee in lieu of providing mitigation on a
2697 development site.))~~ The department may approve mitigation through the King County
2698 mitigation reserve program. The program addresses:

2699 a. when the payment of a fee is allowed considering the availability of a site in
2700 geographic proximity with comparable hydrologic and biological functions and potential
2701 for future habitat fragmentation and degradation; and

2702 b. the use of the fees for mitigation on public or private sites that have been
2703 ~~((ranked according to ecological criteria through one or more programs that have~~
2704 ~~included a public process))~~ selected using a watershed approach, in accordance with the
2705 approved in-lieu fee program instrument.

2706 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
2707 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an
2708 electronic copy with the clerk of the council, who shall retain the original and provide an
2709 electronic copy to all councilmembers, the council chief of staff and the lead staff for the
2710 transportation economy and environment committee or its successor. The report should
2711 address the following:

- 2712 a. information on the amount and source of revenues received by the program;
- 2713 b. a description and rationale for projects selected for funding;
- 2714 c. an accounting of budgeted and actual expenditures made; and
- 2715 d. the status of all projects approved in the previous five years, and anticipated
2716 completion date for those projects, if not yet complete.

2717 SECTION 54. Ordinance 10870, Section 464, as amended, and K.C.C.

2718 21A.24.170 are hereby amended to read as follows:

2719 A. Except as otherwise provided in subsection ~~((of))~~ C. of this section, the owner
2720 of any property containing critical areas or buffers on which a development proposal is
2721 submitted or any property on which mitigation is established as a result of development

shall file a notice on title approved by King County with the records and licensing services division. The notice shall 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 on the property.

B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, 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:

2745 1. The department, as part of a critical area review of a permit application,
2746 determines the information contained in an existing notice on title is no longer accurate
2747 because information about a critical area has changed, such as in its type or location; or

2748 2. An ordinance adopted an updated critical areas map indicating a
2749 reclassification or declassification of the critical area on the subject property.

2750 SECTION 55. Ordinance 10870, Section 465, as amended, and K.C.C.
2751 21A.24.180 are hereby amended to read as follows:

2752 A. ~~((The applicant))~~ Critical area tracts established under this section protect with
2753 the goal of enhancing critical area functions and values, including, but not limited to,
2754 providing fish and wildlife habitat, and protecting the public from geologic hazards and
2755 increased stormwater runoff. Development proposals for subdivisions, short
2756 subdivisions, or binding site plans shall establish and identify critical area tracts to
2757 delineate and protect ((those)) critical areas and associated buffers listed ((below in
2758 development proposals for subdivisions, short subdivisions or binding site plans)) in
2759 subsection A.1. through 7. of this section, and shall record the tracts on all documents of
2760 title of record for all affected lots:

- 2761 1. ~~((All))~~ Landslide hazard areas and buffers that are one acre or more in size;
- 2762 2. ~~((All s))~~ Steep slope hazard areas and buffers that are one acre or more in size;
- 2763 3. ~~((All w))~~ Wetlands and buffers; ((and))
- 2764 4. ~~((All a))~~ Aquatic areas ((and buffers));
- 2765 5. Riparian areas;
- 2766 6. Alluvial fan hazard areas that are one acre or more in size; and
- 2767 7. Wildlife habitat networks.

2768 B. A critical area tract established under subsection A. of this section shall be
2769 either:

2770 1. ~~((h))~~Held in an undivided interest by each owner of a building lot within the
2771 development with this ownership interest passing with the ownership of the lot~~((;))~~; or

2772 2. ~~((shall be h))~~Held by an incorporated homeowner's association or other legal
2773 entity that ensures the ownership, maintenance, and protection of the tract.

2774 C. ~~((The long-term management goals for critical area tracts established under
2775 subsection A. of this section are to protect and enhance critical area functions and values,
2776 including, but not limited to, providing fish and wildlife habitat and protecting the public
2777 from geologic hazards and increased stormwater runoff.))~~ The specific management
2778 strategy for each tract shall be clearly defined before preliminary approval of the
2779 subdivision or binding site plan.

2780 D. For an off-site critical area mitigation area, the applicant shall place the
2781 mitigation area in a critical area tract in accordance with subsection A. of this section, or
2782 in a perpetual conservation easement as approved by the director.

2783 E. In lieu of the requirements of subsections A. and D. of this section, the director
2784 may allow an applicant to include critical areas in resource tracts established under
2785 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the
2786 purpose of the resource portion is for resource management and the purpose of the
2787 designated critical areas is for critical area protection and enhancement and protecting the
2788 public from geologic hazards and increased stormwater runoff.

2789 ~~((E.))~~ F. Site plans submitted as part of building permits, clearing, and grading
2790 permits, or other development permits shall include and delineate:

- 2791 1. ~~((All of))~~ Flood hazard areas, as determined by King County in accordance
2792 with K.C.C. 21A.24.230;
- 2793 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard
2794 areas;
- 2795 3. Aquatic areas, riparian areas, and wetlands;
- 2796 4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;
- 2797 5. Critical area ~~((B))~~ buffers; and
- 2798 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

2799 ~~((F.))~~ G. If only a part of the development site has been mapped, the part of the
2800 site that has not been mapped shall be clearly identified and labeled on the site plans.

2801 SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C.
2802 21A.24.200 are hereby amended to read as follows:

2803 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures
2804 shall be set back a minimum distance of fifteen feet from the edges of all critical area
2805 buffers, or from the edges of all critical areas ~~((, if no buffers are required))~~ where buffers
2806 are not required. ~~((When the))~~ If site disturbance is within a critical area or an associated
2807 buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building~~
2808 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance. The
2809 following are allowed in the ~~((building))~~ critical area setback area:

- 2810 A. Landscaping;
- 2811 B. Uncovered decks less than eighteen inches above grade;
- 2812 C. Building overhangs if the overhangs do not extend more than eighteen inches
2813 into the setback area;

2814 D. Impervious ground surfaces, such as driveways and patios(~~(, but the)~~);
2815 however, improvements are required to meet any special drainage provisions specified in
2816 public rules adopted for (~~(the various)~~) critical areas and the King County Surface Water
2817 Design Manual;

2818 E. Utility service connections as long as the excavation for installation avoids
2819 impacts to the critical area or associated buffer; and

2820 F. Minor encroachments if adequate protection of the buffer will be maintained.

2821 SECTION 57. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby
2822 amended to read as follows:

2823 Based upon a geological critical area report containing a coal mine hazard
2824 assessment (~~((prepared in accordance with this chapter))~~), the department shall classify
2825 coal mine hazard areas as follows:

2826 A. Declassified coal mine areas are those areas where the risk of catastrophic
2827 collapse is not significant and that the hazard assessment report has determined do not
2828 require special engineering or architectural recommendations to prevent significant risks
2829 of property damage. Declassified coal mine areas typically include, but are not limited
2830 to, areas underlain or directly affected by coal mines at depths of more than three hundred
2831 feet as measured from the surface;

2832 B. Moderate coal mine hazard areas are those areas that pose significant risks of
2833 property damage that can be mitigated by implementing special engineering or
2834 architectural recommendations. Moderate coal mine hazard areas typically include, but
2835 are not limited to, areas underlain or directly affected by abandoned coal mine workings
2836 from a depth of zero, which is the surface of the land, to three hundred feet or with

2837 overburden-cover-to-seam thickness ratios of less than ten to one depending on the
2838 inclination of the seam; and

2839 C. Severe coal mine hazard areas are those areas that pose a significant risk of
2840 catastrophic ground surface collapse. Severe coal mine hazard areas typically include,
2841 but are not limited to, areas characterized by unmitigated openings such as entries,
2842 portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes,
2843 and other areas of past or significant probability for catastrophic ground surface collapse;
2844 or areas characterized by((;))overland surfaces underlain or directly affected by
2845 abandoned coal mine workings from a depth of zero, which is the surface of the land, to
2846 one hundred fifty feet.

2847 SECTION 58. Ordinance 11621, Section 75, as amended, and K.C.C.
2848 21A.24.275 are hereby amended to read as follows:

2849 The following development standards apply to development proposals and
2850 alterations on sites within channel migration zones that have been mapped and adopted
2851 by public rule:

2852 A. The development standards that apply to the ((aquatic area buffers)) riparian
2853 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((zone)) hazard
2854 areas and the portion of the moderate channel migration ((zone)) hazard areas that is
2855 within the ((aquatic area buffer)) riparian areas. The more-restrictive standards apply
2856 where there is a conflict;

2857 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a
2858 severe channel migration hazard area; and

2859 C. The following standards apply to development proposals and alterations
2860 within the moderate channel migration hazard area:

2861 1. Maintenance, repair, or expansion of any use or structure is allowed if the
2862 existing structure's footprint is not expanded towards any source of channel migration
2863 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2864 2. New primary dwelling units, accessory dwelling units or accessory living
2865 quarters, and required infrastructure, are allowed if:

2866 a. the structure is located on a separate lot in existence on or before February
2867 16, 1995;

2868 b. a feasible alternative location outside of the channel migration hazard area is
2869 not available on-site; and

2870 c. to the maximum extent practical, the structure and supporting infrastructure
2871 is located the farthest distance from any source of channel migration hazard, unless the
2872 applicant can demonstrate that an alternative location is:

2873 (1) the least subject to risk; or

2874 (2) within the outer third of the moderate channel migration hazard area as
2875 measured perpendicular to the channel;

2876 3. New accessory structures are allowed if:

2877 a. a feasible alternative location is not available on-site; and

2878 b. to the maximum extent practical, the structure is located the farthest distance
2879 from the migrating channel; and

2880 4. The subdivision of property is allowed within the portion of a moderate
2881 channel migration hazard area located outside ~~((an aquatic area buffer))~~ a riparian area if:

2882 a. All lots contain five-thousand square feet or more of buildable land outside
2883 of the moderate channel migration hazard area;

2884 b. Access to all lots does not cross the moderate channel migration hazard
2885 area; and

2886 c. All infrastructure is located outside the moderate channel migration hazard
2887 area except that an on-site septic system is allowed in the moderate channel migration
2888 hazard area if:

2889 (1) a feasible alternative location is not available on-site; and

2890 (2) to the maximum extent practical, the septic system is located the farthest
2891 distance from the migrating channel.

2892 SECTION 59. Ordinance 10870, Section 475, as amended, and K.C.C.

2893 21A.24.280 are hereby amended to read as follows:

2894 The following development standards apply to development proposals and
2895 alterations on sites containing landslide hazard areas:

2896 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
2897 alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area
2898 with a slope of forty percent or greater;

2899 B.1. A buffer is required from all edges of the landslide hazard area. To
2900 eliminate or minimize the risk of property damage or injury resulting from landslides
2901 caused in whole or part by the development, the department shall determine the size of
2902 the buffer based upon a geological critical area report (~~((prepared by a geotechnical~~
2903 ~~engineer or geologist))~~).

2904 2. If a geological critical area report is not submitted to or required by the
2905 department, the minimum buffer ~~((is))~~ shall be fifty feet.

2906 3. If the landslide hazard area has a vertical rise of more than two-hundred feet,
2907 the department may increase the minimum ~~((building))~~ critical area setback in K. C. C.
2908 21A.24.200 to one-hundred feet.

2909 4. For development permits associated with single detached dwelling units only,
2910 the department may waive the geological critical area report requirement and authorize
2911 buffer reductions if the department determines that the reduction will adequately protect
2912 the proposed development and the critical area;

2913 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
2914 allowed alteration, removal of any vegetation from a landslide hazard area or buffer is
2915 prohibited;

2916 D. All alterations shall minimize disturbance to the landslide hazard area, slope,
2917 and vegetation unless necessary for slope stabilization; and

2918 E. Alterations in a landslide hazard area located on a slope less than forty percent
2919 are allowed if:

2920 1. The proposed alteration will not decrease slope stability on contiguous
2921 properties; and

2922 2. The risk of property damage or injury resulting from landsliding is eliminated
2923 or minimized.

2924 SECTION 60. Ordinance 10870, Section 476, as amended, and K.C.C.
2925 21A.24.290 are hereby amended to read as follows:

2926 The following development standards apply to development proposals and
2927 alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard
2928 areas are mapped:

2929 A. The department may approve alterations to mapped seismic hazard areas only
2930 if:

2931 1. The geological critical area report containing an evaluation of site-specific
2932 subsurface conditions shows that the proposed development site ~~((is not located in))~~ does
2933 not meet the definition of a seismic hazard area; or

2934 2. The applicant implements appropriate engineering design based on the best
2935 available engineering and geological practices that either eliminates or minimizes the risk
2936 of structural damage or injury resulting from seismically induced settlement or soil
2937 liquefaction; and

2938 B. The department may waive or reduce engineering study and design
2939 requirements for alterations in seismic hazard areas for:

2940 1. Mobile homes;

2941 2. Additions or alterations that do not increase occupancy or significantly affect
2942 the risk of structural damage or injury; and

2943 3. One-story buildings with less than two-thousand-five hundred~~((s))~~ square feet
2944 of floor area or roof area, whichever is greater, and that are not dwelling units or used as
2945 places of employment or public assembly.

2946 NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24
2947 a new section to read as follows:

2948 The following development standards apply to development proposals and
2949 alterations on sites containing alluvial fan hazard areas:

2950 A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within
2951 alluvial fan hazard areas;

2952 B. A geological critical area report is required for development proposals that are
2953 on an alluvial fan or within fifty feet of an alluvial fan;

2954 C. Proposed alterations shall not increase the risk of inundation, sedimentation,
2955 channel migration, or erosion on adjacent properties;

2956 D. The risk of property damage or injury on the subject property from inundation,
2957 sedimentation, channel migration, or erosion as a result of a proposed alteration shall be
2958 eliminated or minimized; and

2959 E. The proposed alteration shall not increase the frequency or magnitude of
2960 sediment management activities or in-stream channel work that could impact fish habitat
2961 or passage.

2962 NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 21A.24
2963 a new section to read as follows:

2964 A. This section applies to development proposals on sites that are within tsunami
2965 hazard areas.

2966 B. New and substantially improved residential buildings within a tsunami hazard
2967 area shall be designed to provide protection from inundation and debris impact according
2968 to the projected hazard level. The projected hazard level shall be determined by the
2969 county based on Washington state Department of Natural Resources tsunami inundation

maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practicable, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 63. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, 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 steep slope hazard area or associated buffer;

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope

2993 instability, landsliding, or erosion caused in whole or part by the development, the
2994 department shall determine the size of the buffer based upon a geological critical area
2995 report prepared by a ~~((geotechnical engineer or geologist))~~ geological professional. The
2996 department of local services shall adopt a public rule to implement this subsection,
2997 including implementing the requirements for development and review of a geological
2998 critical area report.

2999 1. For new structures and substantial improvements to existing structures on
3000 sites where any portion of the steep slope hazard area extends into the coastal high hazard
3001 area or sea level rise risk area:

3002 a. The geological critical area report shall include an assessment of current and
3003 future risks of sea level rise conditions anticipated to occur over the next fifty years and a
3004 recommended buffer;

3005 b. If a geological critical area report is not submitted to the department, the
3006 minimum buffer shall be seventy-five feet;

3007 2. For all other development not identified in subsection B.1. of this section:

3008 a. If a geological critical area report is not submitted to the department, the
3009 minimum buffer shall be fifty feet; and

3010 b. For ~~((building))~~ permits ~~((for))~~ associated with single detached dwelling
3011 units only, the department may waive the ~~((special study))~~ geological critical area report
3012 requirement and authorize buffer reductions if the department determines that the
3013 reduction will adequately protect the proposed development and the geological critical
3014 area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; and

D. ~~((All a))~~ Alterations ~~((are))~~ may be allowed in the following circumstances:

1. Slopes ~~((which))~~ that are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on King County's review of and concurrence with a ~~((soils))~~ geological critical area report prepared by a ~~((geologist or geotechnical engineer))~~ geological professional; and

2. The approved regrading of any slope ~~((which))~~ that was created through previous legal grading activities. Any slope ~~((which))~~ that remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.

SECTION 64. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, unless a designation is modified by notices of map amendment prepared according to K.C.C. 21A.24.312, in which case the notice of map amendment shall supersede the map.

SECTION 65. 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 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, the property owner's representative, if applicable, and the county assessor.

SECTION 66. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are:

1. Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system;

3060 B. Category II critical aquifer recharge areas include those mapped areas that
3061 King County has determined:

3062 1. Have a medium susceptibility to ground water contamination and are located
3063 in a sole source aquifer or a wellhead protection area; or

3064 2. Are highly susceptible to groundwater contamination and are not located in a
3065 sole source aquifer or wellhead protection area; and

3066 C. Category III critical aquifer recharge areas include those mapped areas that
3067 King County has determined have low susceptibility to groundwater contamination and
3068 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~
3069 Vashon-Maury Island.

3070 SECTION 67. Ordinance 15051, Section 179, as amended, and K.C.C.
3071 21A.24.316 are hereby amended to read as follows:

3072 The following development standards apply to development proposals and
3073 alterations on sites containing critical aquifer recharge areas:

3074 A. Except as otherwise provided in subsection H. of this section, the following
3075 new development proposals and alterations are not allowed on a site located in a category
3076 I critical aquifer recharge area:

3077 1. Transmission pipelines carrying petroleum or petroleum products;

3078 2. Sand and gravel, and hard rock mining unless:

3079 a. the site has mineral zoning as of January 1, 2005; or

3080 b. mining is a permitted use on the site and the critical aquifer recharge area
3081 was mapped after the date a complete application for mineral extraction on the site was
3082 filed with the department;

- 3083 3. Mining of any type below the upper surface of the saturated ground water that
3084 could be used for potable water supply;
- 3085 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3086 5. Hydrocarbon extraction;
- 3087 6. Commercial wood treatment facilities on permeable surfaces;
- 3088 7. Underground storage tanks, including tanks that are exempt from the
3089 requirements of chapter 173-~~360A~~ WAC, with hazardous substances, as defined in
3090 chapter ((70.105)) 70A.300 RCW, that do not comply with standards of chapter 173-
3091 360A WAC and K.C.C. Title 17;
- 3092 8. Above-ground storage tanks for hazardous substances, as defined in chapter
3093 ((70.105)) 70A.300 RCW, unless protected with primary and secondary containment
3094 areas and a spill protection plan;
- 3095 9. Golf courses;
- 3096 10. Cemeteries;
- 3097 11. Wrecking yards;
- 3098 12. Landfills for hazardous waste, municipal solid waste, or special waste, as
3099 defined in K.C.C. chapter 10.04; and
- 3100 13. On lots smaller than one acre, an on-site septic system, unless:
- 3101 a. the system is approved by the Washington state Department of Health and
3102 has been listed by the Washington ((S))state Department of Health as meeting treatment
3103 standard N as provided in ((WAC)) chapter 426-272A WAC; or

3104 b. (~~the Seattle-King County department of~~) public health - Seattle & King
3105 County determines that the systems required under subsection A.13.a. of this section will
3106 not function on the site.

3107 B. Except as otherwise provided in subsection H. of this section, the following
3108 new development proposals and alterations are not allowed on a site located in a category
3109 II critical aquifer recharge area:

3110 1. Mining of any type below the upper surface of the saturated ground water that
3111 could be used for potable water supply;

3112 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3113 3. Hydrocarbon extraction;

3114 4. Commercial wood treatment facilities located on permeable surfaces;

3115 5.a. Underground storage tanks with hazardous substances, as defined in chapter
3116 70.105 RCW, that do not comply with requirements of chapter 173-360A WAC and

3117 K.C.C. Title 17, ((E))except for a category II critical aquifer recharge area located over
3118 an aquifer underlying (~~(an island that is surrounded by saltwater, underground storage~~
3119 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~
3120 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17))~~ Vashon-Maury Island; and

3121 b. For a category II critical aquifer recharge area located over an aquifer
3122 underlying (~~(an island that is surrounded by saltwater))~~ Vashon-Maury Island,
3123 underground storage tanks, including underground storage tanks exempt from the
3124 requirements of chapter 173-360A WAC, with hazardous substances, as defined in
3125 chapter 70.105 RCW, that do not comply with the standards in chapter 173-360A WAC
3126 and K.C.C. Title 17;

3127 6. Above-ground storage tanks for hazardous substances, as defined in chapter
3128 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3129 protection plan;

3130 7. Wrecking yards;

3131 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
3132 defined in K.C.C. chapter 10.04; and

3133 9. On lots smaller than one acre, an on-site septic systems, unless:

3134 a. the system is approved by the Washington state Department of Health and
3135 has been listed by the Washington state Department of Health as meeting treatment
3136 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3137 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
3138 County determines that the systems required under subsection B.9.a. of this section will
3139 not function on the site.

3140 C. Except as otherwise provided in subsection H. of this section, the following
3141 new development proposals and alterations are not allowed on a site located in a category
3142 III critical aquifer recharge area:

3143 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3144 2. Hydrocarbon extraction;

3145 3. Commercial wood treatment facilities located on permeable surfaces;

3146 4. Underground storage tanks, including tanks exempt from the requirements of
3147 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~
3148 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and
3149 K.C.C. Title 17;

3150 5. Above ground storage tanks for hazardous substances, as defined in chapter
3151 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment
3152 areas and a spill protection plan;

3153 6. Wrecking yards; and

3154 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3155 defined in K.C.C. chapter 10.04.

3156 D. The following standards apply to development proposals and alterations that
3157 are substantial improvements on a site located in a critical aquifer recharge area:

3158 1. The owner of an underground storage tank, including a tank that is exempt
3159 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer
3160 recharge area or a category II critical aquifer recharge area located over an aquifer
3161 underlying Vashon-Maury Island shall either bring the tank into compliance with the
3162 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or
3163 remove the tank; and

3164 2. The owner of an underground storage tank in a category II critical aquifer
3165 recharge area not located on located over an aquifer underlying Vashon-Maury Island
3166 shall bring the tank into compliance with the standards of chapter 173-360A WAC and
3167 K.C.C. Title 17 or shall properly decommission or remove the tank.

3168 E. In any critical aquifer recharge area, the property owner shall properly
3169 decommission an abandoned well.

3170 F. On a site located in a critical aquifer recharge area within the urban growth
3171 area, a development proposal for new residential development, including, but not limited
3172 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management

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 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. 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. 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. 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 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

3196 not cause an ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer
3197 recharge area.

3198 I. The provisions relating to underground storage tanks in subsections A. through
3199 D. of this section apply only when the proposed regulation of underground storage tanks
3200 has been submitted to and approved by the Washington state ~~((d))~~Department of
3201 ~~((e))~~Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~
3202 ~~530))~~ 173-360-0130.

3203 SECTION 68. Ordinance 15051, Section 183, as amended, and K.C.C.
3204 21A.24.318 are hereby amended to read as follows:

3205 A. Identification of wetlands and delineation of their boundaries shall be done in
3206 accordance with the approved federal wetland delineation manual and applicable regional
3207 supplement as set forth in WAC 173-22-035.

3208 B. Wetlands shall be rated into category I, category II, category III₂ and category
3209 IV based on the adopted Washington State Wetland Rating System for Western
3210 Washington, Washington state Department of Ecology publication number ~~((14-06-029))~~
3211 23-06-009, published October 2014 and updated July 2023.

3212 C. Wetland rating categories shall not recognize illegal modifications.

3213 SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C.
3214 21A.24.325 are hereby amended to read as follows:

3215 A. Except as otherwise provided in this section, buffers shall be provided from
3216 the wetland edge as follows:

3217 1. The buffers shown on the following table apply unless modified in
3218 accordance with subsections B., C., D.₂ 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))~~ <u>300</u> feet	~~((190))~~ <u>225</u> feet	~~((125))~~ <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

- 3219 2. For purposes of this subsection A., unless the director determines a lesser
3220 level of impact is appropriate based on information provided by the applicant, the
3221 intensity of impact of the adjacent land use is determined as follows:
3222 a. High impact includes:
3223 (1) sites zoned commercial or industrial;

- 3224 (2) commercial, institutional, or industrial use on a site regardless of the
3225 zoning classification;
- 3226 (3) nonresidential use on a site zoned for residential use, such as
3227 telecommunication towers and associated equipment;
- 3228 (4) high-intensity active recreation use on a site regardless of zoning, such as
3229 golf courses, ball fields, and similar use;
- 3230 (5) all sites within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area; ~~((Ø))~~
- 3231 (6) Residential zoning greater than one dwelling unit per acre;
- 3232 (7) railroads; or
- 3233 (8) federal and state highways, including on ramps and exits, state routes, and
3234 other roads associated with high impact land uses;
- 3235 b. Moderate impact includes:
- 3236 (1) residential uses on sites zoned residential one dwelling unit per acre or
3237 less;
- 3238 (2) residential use on a site zoned rural area, agriculture, or forestry;
- 3239 (3) agricultural uses without an approved farm management plan;
- 3240 (4) forest service roads and roads associated with moderate impacts;
- 3241 (5) utility corridors or right-of-way shared by several utilities, including
3242 maintenance roads; or
- 3243 ~~((5))~~ (6) moderate-intensity active recreation or open space use, such as
3244 paved trails, parks with biking, jogging, and similar use; and
- 3245 c. Low impact includes:
- 3246 (1) forestry use on a site regardless of zoning classification;

3247 (2) passive recreation uses, such as unpaved trails, nature viewing areas,
3248 fishing and camping areas, and other similar uses that do not require permanent
3249 structures, on a site regardless of zoning;

3250 (3) agricultural uses carried out in accordance with an approved farm
3251 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.
3252 21A.24.045.D.54.; or

3253 (4) utility corridors without a maintenance road and little or no vegetation
3254 maintenance.

3255 B. The department may approve a modification of the minimum buffer width
3256 required by this section by averaging the buffer width if:

3257 1. The department determines that:

3258 a. the buffer averaging will improve wetland protection if the wetland has
3259 significant differences in characteristics that effect habitat functions, such as a wetland
3260 with a forested component adjacent to a degraded emergent component or a "dual-rated"
3261 wetland with a Category I area adjacent to a lower-rated area; or

3262 b. averaging includes the corridors of a wetland complex; and

3263 2. The resulting buffer meets the following standards:

3264 a. the total area of the buffer after averaging is equivalent to or greater than the
3265 area of the buffer before averaging;

3266 b. the additional buffer is contiguous with the standard buffer;

3267 c. the buffer at its narrowest point is never less than ~~((either))~~ seventy-five
3268 percent of the required width ~~((or seventy-five feet for Category I and II, fifty feet for~~
3269 ~~Category III, and twenty-five feet for Category IV, whichever is greater));~~

d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ~~((from a qualified wetland professional; and))~~;

e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ~~((as demonstrated by a critical area report from a qualified wetland professional))~~;

f. buffer averaging cannot be combined with other buffer reductions or modifications allowed in this title; and

g. indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.~~((6))~~5. of this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section~~((;))~~.

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ~~((buffer))~~ width ~~((is))~~ shall be the greater of:

a. the buffer width required by the wetland's category in this section; or

3292 b. the buffer width required by the wetland's category in this section, extended
3293 upslope towards the top of the landslide or steep slope hazard area, as measured
3294 perpendicular to topographic contours, up to a maximum total width of twice the wetland
3295 buffer width otherwise required;

3296 3. For a wetland complex located outside the ((U))urban ((G))growth ((A))area
3297 established by the King County Comprehensive Plan or located within the ((U))urban
3298 ((G))growth ((A))area in a basin designated as "high" on the Basin and Shoreline
3299 Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer
3300 width is determined as follows:

3301 a. the buffer width for each individual wetland in the complex is the same
3302 width as the buffer width required for the category of wetland;

3303 b. if the buffer of a wetland within the complex does not touch or overlap with
3304 at least one other wetland buffer in the complex, a corridor is required from the buffer of
3305 that wetland to one other wetland buffer in the complex considering the following
3306 factors:

3307 (1) the corridor is designed to support maintaining viable wildlife species that
3308 are commonly recognized to exclusively or partially use wetlands and wetland buffers
3309 during a critical life cycle stage, such as breeding, rearing, or feeding;

3310 (2) the corridor minimizes fragmentation of the wetlands;

3311 (3) higher category wetlands are connected through corridors before lower
3312 category wetlands; and

3313 (4) the corridor width is at least twenty-five percent of the length of the
3314 corridor, but no less than twenty-five feet in width; and

3315 (5) shorter corridors are preferred over longer corridors;

3316 c. wetlands in a complex that are connected by an aquatic area that flows

3317 between the wetlands are not required to be connected through a corridor;

3318 d. the department may exclude a wetland from the wetland complex if the

3319 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

3320 that are commonly recognized to exclusively or partially use wetlands and wetland

3321 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

3322 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are

3323 allowed in corridors subject to the same conditions and requirements as wetland buffers

3324 as long as the alteration is designed so as not to disrupt wildlife movement through the

3325 corridor;

3326 4. Where a legally established public roadway transects a wetland buffer, the

3327 department may approve a modification of the minimum required buffer width to the

3328 edge of the roadway if:

3329 a. the part of the buffer on the other side of the roadway sought to be reduced:

3330 ~~((a-))~~ (1) does not provide additional protection of ((the proposed development

3331 ~~or the)) wetland functions and values from the proposed development; and~~

3332 ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer

3333 functions relating to the other portion of the buffer adjacent to the wetland; and

3334 b. the applicant provides a written evaluation that includes;

3335 (1) a description of the vegetative composition, hydrologic regime,

3336 topography, and development on both sides of the roadway;

3337 (2) an assessment of the functions that the buffer provides on the other side of
3338 the roadway for wildlife habitat, water quality, and water quantity; and

3339 (3) an analysis of how the roadway will fully disconnect the buffer from
3340 providing the assessed functions, and whether the disconnection will affect the entirety of
3341 the buffer; and

3342 5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
3343 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~
3344 ~~exceed the standard for a low impact land use, unless the department determines that a~~
3345 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

3346 6. ~~The buffer widths required for proposed land uses with~~) For proposed
3347 dwelling units within the urban growth area that have high intensity impacts to wetlands,
3348 the buffer widths can be reduced to those required for moderate intensity impacts ~~((under~~
3349 ~~the following conditions))~~ if:

3350 a. all the following measures to minimize impacts of the proposed land uses
3351 are applied:

3352 (1) plant an area of dense, native vegetation or climate-smart plants within the
3353 remaining buffer that is equal to or greater than the area by which the buffer was reduced;

3354 (2) install wildlife lighting and direct all light away from the wetland;

3355 (3) install wildlife passable fencing at the edge of the wetland buffer;

3356 (4) attach critical area signs to wildlife-passable fencing every fifty to
3357 seventy-five linear feet;

3358 (5) submit an integrated pest and weed management plan that prohibits the
3359 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

3360 (6) demonstrate how each of the following meets the core requirements in the
 3361 King County Surface Water Design Manual, including:

- 3362 (a) stormwater runoff;
 3363 (b) change in water regime; and
 3364 (c) erosion and dust control; and

3365 b. ((F))for wetlands that score moderate or high for habitat functions((, which
 3366 means six points or higher, the width of the buffer can be reduced if both of the following
 3367 criteria are met:

3368 ((1) A))a relatively undisturbed vegetated corridor at least one-hundred feet
 3369 wide is protected between the wetland and ((any other Priority Habitats as defined by the
 3370 Washington state Department of Fish and Wildlife in the priority habitat and species list))
 3371 a legally-protected, relatively undisturbed and vegetated area. The corridor must be
 3372 protected for the entire distance between the wetland and the ((priority habitat)) legally
 3373 protected vegetated area and ((legally)) recorded via a conservation easement; and

3374 ((2) Measures to minimize the impacts of different land uses on wetlands as
 3375 identified in subsection C.6.b. of this section are applied; and

3376 b. For wetlands that score low for habitat, which means less than six points, the
 3377 buffer width can be reduced to that required for moderate intensity impacts by applying
 3378 measures to minimize impacts of the proposed land uses, as follows:

3379 c. the proposed project does not impact the reduced buffer.

<u>((Disturbance</u>	<u>Measures to minimize impacts</u>
<u>Lights</u>	<u>Direct lights away from wetland.</u>

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.))

3380 D. The department may approve a modification to the buffers established in
3381 subsection A. of this section if the wetland was created or its characterization was
3382 upgraded as part of a voluntary enhancement or restoration project.

3383 E. If the site is located within the shoreline jurisdiction, the department shall
3384 determine that a proposal to reduce wetland buffers under this section will result in no net
3385 loss of shoreline ecological functions or wetland functions and values.

3386 SECTION 70. Ordinance 15051, Section 187, as amended, and K.C.C.
3387 21A.24.335 are hereby amended to read as follows:

3388 The following development standards apply to development proposals and
3389 alterations on sites containing wetlands or their buffers:

3390 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3391 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3392 B. ~~((The applicant))~~ Applicants may include climate-smart plants that have been
3393 approved by King County in mitigation or restoration projects, but shall not otherwise
3394 introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any
3395 wetland or wetland buffer unless authorized by a state or federal permit or approval; and

3396 C. ~~((A category IV wetland less than two thousand five hundred square feet that~~
3397 ~~is not part of a wetland complex may be altered in accordance with an approved~~
3398 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~
3399 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~
3400 ~~on the type of mitigation measures proposed; and~~

3401 D:)) Alterations to category I wetlands containing bogs or fens are limited to
3402 K.C.C. 21A.24.045 D.20. and D.52.

3403 SECTION 71. Ordinance 10870, Section 481, as amended, and K.C.C.
3404 21A.24.340 are hereby amended to read as follows:

3405 In addition to the requirements in ((K.C.C. 21A.24.125 and 21A.24.130)) this
3406 chapter, the following applies to mitigation to compensate for ((the)) adverse impacts
3407 ((associated with an alteration)) to a wetland or wetland buffer:

3408 A. Mitigation measures must achieve equivalent or greater wetland functions,
3409 including, but not limited to:

3410 1. Habitat functions such as complexity, connectivity, and other biological
3411 functions; and

3412 2. Hydrological functions, such as ((S))seasonal hydrological dynamics, as
3413 provided in the King County Surface Water Design Manual;

3414 B. The following ratios of area of mitigation to area of ((alteration)) impacts
3415 apply to mitigation measures for permanent alterations except as otherwise provided in
3416 subsection E. of this section:

3417 1. For ((alterations)) impacts to a wetland buffer, a ratio of ((one to one; and))
3418 one-to-one on-site, and two-to-one off-site;

3419 2. For ((alterations)) direct impacts to a wetland that result in permanent, direct
3420 loss of wetland area:

Category and type of	Wetland reestablishment	Wetland rehabilitation	1:1 Wetland reestablishment or	Wetland enhancement

wetland	or creation		wetland creation (R/C) and wetland enhancement (E)	only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and ~~((2))~~ 4:1 E	8:1
Category II estuarine	Case-by-case	~~((4))~~ 6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	~~((8))~~ 6:1	1:1 R/C and ~~((4))~~ 8:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and ~~((40))~~ 16:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and ~~((6))~~ 12:1 E	Case-by-case
Category I wetlands of high	Not allowed	~~((6:1~~ rehabilitation of a wetland of high	~~((Case-by-case))~~ <u>Not allowed</u>	Case-by-case

conservation value		~~conservation value~~)) <u>Case-by- case</u>		
Category I coastal lagoon	Not allowed	((~~6~~) <u>8</u> :1 rehabilitation of a coastal lagoon	((~~Case-by-case~~)) <u>Not allowed</u>	Case-by-case
Category I bog	Not allowed	((~~6~~ :1 ~~rehabilitation of a bog~~)) <u>Case-by- case</u>	((~~Case-by-case~~)) <u>Not allowed</u>	Case-by-case
Category I estuarine	Case-by-case	((~~6~~) <u>8</u> :1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3421 3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to
3422 area of impact required by subsection B.2. of this section.

3423 C. The following ratios of area of mitigation to area of ~~((alteration))~~ impact apply
3424 to mitigation measures for temporary ~~((alterations))~~ impacts where wetlands will not be
3425 impacted by permanent fill material or removal of old growth or mature trees, as defined
3426 in the Washington state Department of Fish and Wildlife Priority Habitat and Species list,
3427 publication 2008 and updated 2023, but where impacted functions are expected to take
3428 longer than one year to be restored, except as otherwise provided in subsection E. of this
3429 section:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	~~((6))~~ 8:1	4.5:1	3:1	~~((3))~~ 4:1	2:1	1.5:1
Category II	~~((3))~~ 6:1	~~((2))~~ 3:1	1.5:1	~~((1.5))~~ 3:1	1.5:1	.75:1
Category III	~~((2))~~ 4:1	~~((1.5))~~ 2:1	1:1	~~((1))~~ 2:1	~~((.75))~~ 1:1	.5:1
Category IV	~~((1.5))~~ 3:1	1.5:1	.75:1	~~((Not applicable))~~ 1.5:1	~~((Not applicable))~~ .75:1	~~((Not applicable))~~) .25:1

3430 D. The department may increase the mitigation ratios provided in subsections B.

3431 and C. of this section under the following circumstances:

3432 1. The department determines there is uncertainty as to the probable success of
3433 the proposed restoration or creation;

3434 2. A significant period of time will elapse between the impact caused by the
3435 development proposal and the establishment of wetland functions at the mitigation site;

3436 3. The proposed mitigation will result in a lower category wetland or reduced
3437 functions relative to the wetland being impacted; ~~((or))~~

3438 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,
3439 as defined in the Federal Standards and Procedures for the National Watershed Boundary
3440 Dataset: United States Geological Survey, 2022, as the proposed impacts;

3441 5. The proposed mitigation site differs from the proposed impact area in
3442 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat
3443 characteristics;

3444 6. The proposed impact site contains documented habitat for federal or state
3445 listed endangered, threatened, sensitive, or candidate species or King County species of
3446 local importance; or

3447 7. The alteration causing the impact was ~~((an))~~ unauthorized ~~((impact))~~.

3448 E. ~~((The department may decrease the mitigation ratios provided in subsections~~
3449 ~~B. and C. of this section under the following circumstances))~~ When the use of wetland
3450 mitigation bank or in lieu fee program credits is approved as off-site compensatory
3451 mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:

3452 1. ~~((The applicant demonstrates by documentation submitted by a qualified~~
3453 ~~wetland specialist that the proposed mitigation actions have a very high likelihood of~~
3454 ~~success based on hydrologic data and prior experience;~~

3455 2. ~~The applicant demonstrates by documentation by a qualified wetland~~
3456 ~~specialist that the proposed actions for compensation will provide functions and values~~
3457 ~~that are significantly greater than the wetland being impacted;~~

3. ~~The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

4. ~~In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

a. ~~impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

b. ~~the category of the area with a different class is lower than that of the entire wetland; and~~

c. ~~the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.))~~ For use of wetland mitigation banks certified under Chapter 173-700

WAC, the amount of compensatory mitigation required for impacts located in the bank service area shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a ratio of one bank credit to one wetland impact acre shall be used;

b. For indirect wetland impacts, one half of the ratio recommended in the approved mitigation banking instrument; and

3480 c. For long-term temporary impacts, one quarter of the ratio recommended in
3481 the approved mitigation banking instrument;

3482 2. For use of the King County mitigation reserves program or a state or federally
3483 authorized in lieu fee program:

3484 a. For direct, indirect, and long-term temporary impacts to wetlands located in
3485 the in lieu fee service area, the amount of compensatory mitigation required shall be
3486 consistent with the in lieu fee program instrument and result in no net loss of wetland
3487 functions and values; and

3488 b. For impacts to wetland buffers, the ratio shall be one to one; and

3489 3. Compensatory mitigation for other approved off-site mitigation options shall
3490 be consistent with ratios in subsections B., C., and D. of this section.

3491 F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are
3492 predominately woody vegetation, the department may require mitigation in addition to
3493 restoration of the altered wetland or buffer; and

3494 G. Mitigation of ((~~an alteration~~)) impacts to a buffer of a wetland that occurs
3495 along an aquatic area lake shoreline in accordance with an allowed alteration under this
3496 chapter shall include, but is not limited to, on-site revegetation, maintenance, and other
3497 restoration of the buffer or setback area to the maximum extent practical.

3498 SECTION 72. Ordinance 15051, Section 192, as amended, and K.C.C.

3499 21A.24.355 are hereby amended to read as follows:

3500 A. Aquatic areas are ((~~categorized or~~)) "typed" as follows:

3501 1. Type S waters include all aquatic areas inventoried as "shorelines of the state"
3502 under King County's ~~((S))~~ shoreline ~~((M))~~ master ~~((P))~~ program ~~((, K.C.C. chapter 21A.25,~~
3503 ~~in accordance with chapter 90.58 RCW))~~;

3504 2. Type F waters include all segments of aquatic areas that are not type S waters
3505 and that contain fish or fish habitat, including waters diverted for use by a federal, state,
3506 or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or
3507 the entire tributary if the tributary is highly significant for protection of downstream
3508 water quality~~((;))~~. Type F waters, which may be ephemeral, may be classified by:

3509 a. the presence of fish;

3510 b. a stream segment with a defined channel of two feet or greater bank full
3511 width and a gradient less than twenty percent; or

3512 c. any stream located within the floodplain of type S or F water.

3513 3. Type N waters include all segments of aquatic areas that are not type S or F
3514 waters and that are physically connected to type S or F waters by ~~((an above-ground))~~ a
3515 channel or piped system, stream, or wetland; and

3516 4. Type O waters include all segments of aquatic areas that are not type S, F, or
3517 N waters and that are not physically connected to type S, F, or N waters by a ~~((n above-~~
3518 ~~ground))~~ channel or piped system, ~~((pipe or culvert,))~~ stream, or wetland, and which
3519 infiltrate water into the ground.

3520 B. For the purposes of the water types in subsection A. of this section, ~~((an~~
3521 ~~above-ground))~~ a channel system is ~~((considered to be))~~ present if the ~~((one-hundred~~
3522 ~~year))~~ floodplains of both the contributing and receiving waters are connected.

3523 ~~((C. The department may determine that an area upstream of a legal human-made~~
3524 ~~barrier is not fish habitat considering the following factors:~~

3525 ~~1. The human-made barrier is located beneath public infrastructure that is~~
3526 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~
3527 ~~public infrastructure;~~

3528 ~~2. The human-made barrier is in the Urban Growth Area established by the~~
3529 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~
3530 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~

3531 ~~3. The human-made barrier is located in a subbasin that is not designated "high"~~
3532 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~
3533 ~~Ordinance 15051; or~~

3534 ~~4. The human-made barrier is not identified for removal by a public agency or~~
3535 ~~in an adopted watershed plan.))~~

3536 SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C.
3537 21A.24.358 are hereby amended to read as follows:

3538 A. ~~((Aquatic area buffers))~~ Riparian areas shall be measured as follows:

3539 1. From the ordinary high water mark of the adjacent aquatic area, or from the
3540 top of bank if the ordinary high water mark cannot be identified;

3541 2. If the adjacent aquatic area is located within a mapped severe channel
3542 migration hazard area, the ~~((aquatic area buffer))~~ riparian area width shall be ~~((the greater~~
3543 ~~of the aquatic area buffer width as))~~ measured ~~((consistent with subsection A.1. of this~~
3544 ~~section or))~~ from the outer edge of the severe channel migration hazard area; ~~((and))~~

3545 3. If the ~~((aquatic area buffer))~~ riparian area includes a steep slope hazard area
3546 or a landslide hazard area, the ~~((aquatic area buffer))~~ riparian area width is the greater of
3547 ~~((either))~~

3548 a. ~~the ((aquatic area buffer)) riparian area width as required in this section ((or~~
3549 ~~the top of the hazard area))~~; or

3550 b. the riparian area width as required in this section, extended upslope towards
3551 the top of the landslide or steep slope hazard area, as measured perpendicular to
3552 topographic contours, up to a maximum total width of twice the riparian area width
3553 otherwise required;

3554 4. If the adjacent aquatic area is located within an alluvial fan, the riparian area
3555 width is the greater of:

3556 a. the riparian area width as defined in this section; or

3557 b. the extent of the alluvial fan hazard area; and

3558 5. If the adjacent aquatic area is conveyed underground, the riparian area width
3559 is measured only from the above-ground portion of the aquatic area. This riparian area
3560 extends in all directions from the point at which the aquatic area enters or exits the
3561 underground conveyance system.

3562 B. Within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area, ~~((aquatic area buffers))~~ riparian
3563 area widths shall be as follows:

3564 ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~

3565 2. ~~A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~
3566 ~~on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~

3567 3. ~~A type N aquatic area buffer is sixty five feet; and~~

3568 4. A type O aquatic area buffer is twenty five feet.))

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F in basin or shoreline designated as</u> <u>"high" on the Basin and Shoreline</u> <u>Conditions map</u>	<u>200 feet</u>
<u>All other S or F</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

3569 C. Outside the ((U))urban ((G))growth ((A))area, ((aquatic area buffers)) riparian
 3570 areas shall be as follows:

3571 ((1. A type S or F aquatic area buffer is one hundred sixty five feet;

3572 2. A type N aquatic area buffer is sixty five feet; and

3573 3. A type O aquatic area buffer is twenty five feet.))

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F</u>	<u>200 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

3574 D. ((Within the Bear Creek drainage basin a type N aquatic area buffer in a
 3575 designated regionally significant resource area is one hundred feet.

3576 E.)) The department may approve a modification of ((buffer widths if)) a riparian
 3577 area width required by this section by averaging the riparian area width, if the resulting
 3578 riparian area meets the following standards:

3579 1.((a. The department determines that through buffer averaging the ecological
3580 structure and function of the resulting buffer is equivalent to or greater than the structure
3581 and function before averaging and meets the following standards:

3582 (1) the total area of the buffer is not reduced;

3583 (2) the buffer area is contiguous; and

3584 (3) averaging does not result in the reduction of the minimum buffer for the
3585 buffer area waterward of the top of the associated steep slopes or for a severe channel
3586 migration hazard area;

3587 b. the applicant demonstrates that the buffer cannot provide certain functions
3588 because of soils, geology or topography, in which case the department shall establish a
3589 buffers width that protects the remaining ecological functions that the buffer can provide;

3590 c. the site is zoned RA and is subject to an approved rural stewardship plan. In
3591 modifying the buffers, the department shall consider factors such as, the basin and
3592 shoreline condition, the location of the site within the basin and shoreline, the buffer
3593 condition and the amount of clearing;

3594 d. a legally established roadway transects an aquatic area buffer, the roadway
3595 edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on
3596 the other side of the roadway provides insignificant biological or hydrological function in
3597 relation to the portion of the buffer adjacent to the aquatic area; or

3598 e. the aquatic area is created or its type is changed as a result of enhancement
3599 or restoration projects that are not mitigation for a development proposal or alteration;

3600 and

3601 ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~
3602 ~~shoreline ecological functions will result when considering projects that combine reduced~~
3603 ~~buffers and habitat restoration.))~~ The total land area amount of the riparian area after
3604 averaging is equivalent to or greater than the total land area amount of the riparian area
3605 before averaging;

3606 2. The additional riparian area is contiguous with the standard riparian area;

3607 3. The riparian area at its narrowest point is never less than seventy-five percent
3608 of the standard required width;

3609 4. The width of the riparian area is increased adjacent to the higher functioning
3610 habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to
3611 the lower functioning or less sensitive portion, as demonstrated by an ecological critical
3612 area report from an ecological professional;

3613 5. No net loss of riparian area or adjacent aquatic area functions and values will
3614 occur as a result of the averaging, as demonstrated by an ecological critical area report
3615 from an ecological professional;

3616 6. Where the riparian area includes a steep slope, landslide, or alluvial fan
3617 hazard area, the width of the riparian area is not reduced waterward of the extent of the
3618 hazard areas;

3619 7. If the site is located within the shoreline jurisdiction, no net loss of shoreline
3620 ecological functions will result; and

3621 8. Riparian area averaging cannot be combined with any other riparian area
3622 width modifications.

3623 SECTION 74. Ordinance 15051, Section 195, as amended, and K.C.C.

3624 21A.24.365 are hereby amended to read as follows:

3625 The following development standards apply to development proposals and
3626 alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

3627 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3628 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic
3629 area buffers))~~ riparian areas;

3630 B. Grading for allowed alterations in ~~((aquatic area buffers))~~ riparian areas is
3631 only allowed from May 1 to October 1. This period may be modified when the
3632 department determines it is necessary along marine shorelines to protect critical forage
3633 fish and salmonid migration or as provided in K.C.C. 16.82.095;

3634 C. The moisture-holding capacity of the topsoil layer on all areas of the site not
3635 covered by impervious surfaces should be maintained by:

- 3636 1. Minimizing soil compaction, or
3637 2. Reestablishing natural soil structure and the capacity to infiltrate;

3638 D. New structures within a ~~((n-aquatic area buffer))~~ riparian area should be sited
3639 to avoid the creation of future hazard trees and to minimize the impact on groundwater
3640 movement; ~~((and))~~

3641 E. To the maximum extent practical:

- 3642 1. The soil duff layer should not be disturbed, but if disturbed, should be
3643 redistributed to other areas of the project site where feasible;

3644 2. A spatial connection should be provided between vegetation within and
3645 outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw hazards;
3646 and

3647 3. Hazard trees ~~((should be retained))~~ in ~~((aquatic area buffers))~~ riparian areas
3648 ~~((and))~~ should be either topped or pushed over toward the aquatic area, and not taken out
3649 of the riparian area; ~~((and))~~

3650 F. Mitigation or restoration projects may include climate-smart plants approved
3651 by King County, but shall not otherwise introduce any plant or wildlife that is not
3652 indigenous to the Puget Sound lowland into an aquatic area or riparian area unless
3653 authorized by state or federal approval; and

3654 G. If a restoration, enhancement, or mitigation project proposes to place large
3655 wood ~~((woody debris))~~ waterward of the ordinary high water mark of a ~~((F))~~ type S
3656 aquatic area, the applicant shall consider the potential for recreational hazards in project
3657 design.

3658 SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C.
3659 21A.24.380 are hereby amended to read as follows:

3660 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~
3661 ~~21A.24.133))~~ this chapter, the following applies to mitigation to compensate for the
3662 adverse impacts associated with an alteration to an aquatic area or ~~((aquatic area buffer))~~
3663 riparian area:

3664 A. Mitigation measures ~~((must))~~ shall achieve equivalent or greater aquatic or
3665 riparian area functions than prealteration conditions including, but not limited to:

- 3666 1. Habitat complexity, connectivity, and other biological, ~~and ecological~~
- 3667 functions;
- 3668 2. Seasonal hydrological dynamics(~~(;)~~) and water storage capacity (~~(and water~~
- 3669 ~~quality))~~; (~~and~~))
- 3670 3. (~~(Geomorphic and habitat processes and functions)~~) Shade and temperature
- 3671 control, pollution removal, water purification, and other water quality functions; and
- 3672 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural
- 3673 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial
- 3674 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat
- 3675 processes and functions;
- 3676 B. To the maximum extent practical, permanent (~~(alterations)~~) impacts that
- 3677 require mitigation such as restoration or enhancement of the altered aquatic area(~~(;~~
- 3678 ~~aquatic area buffer)~~) or riparian area, or another aquatic area or (~~(aquatic area buffer must~~
- 3679 ~~consider)~~) riparian area, shall document in a mitigation plan how the following design
- 3680 factors(~~(;)~~) have been considered as applicable to the function being mitigated:
- 3681 1. The natural channel or shoreline reach dimensions including its depth, width,
- 3682 length, and gradient;
- 3683 2. The horizontal alignment and sinuosity;
- 3684 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical
- 3685 or similar substrate and similar erosion and sediment transport dynamics;
- 3686 4. Bank (~~(and buffer)~~) configuration and erosion and sedimentation rates;
- 3687 (~~and~~))

3688 5. Similar native vegetation or climate-smart plant species diversity, size, and
3689 densities in the ~~((channel, sea bed or lake bottom and on the))~~ adjacent riparian ~~((bank or~~
3690 ~~buffer))~~ area with similar configuration, spatial arrangement, and solar aspect;

3691 6. Similar slope and elevation; and

3692 7. Similar soil conditions, including moisture, saturation, and organic content;

3693 C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the
3694 following standards:

3695 1. Not located upstream of a barrier to fish passage; and

3696 2. ~~((Is equal or greater in biological function; and~~

3697 ~~3.))~~ To the maximum extent practical is:

3698 a. located on the site of the alteration or within one-half mile of the site and in
3699 the same aquatic area reach at a ~~((1:1))~~ 2:1 ratio of area of mitigation to area of
3700 ~~((alteration))~~ impact; or

3701 ~~((4- Is))~~ b. if unable to be located on the site or within one-half mile of the site,
3702 located in the same aquatic area drainage subbasin or marine shoreline and attains the
3703 following ratios of area of functional mitigation to area of ~~((alteration))~~ impact:

3704 ~~((a-))~~ (1) a 3:1 ratio for a type S or F aquatic area; and

3705 ~~((b-))~~ (2) a 2:1 ratio for a type N or O aquatic area;

3706 D. For purposes of subsection C. of this section, ~~((a))~~ mitigation ~~((measure))~~ is in
3707 the same aquatic area reach if the length of aquatic area ~~((shoreline))~~ or adjacent riparian
3708 area meets the following criteria:

3709 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

- 3710 2. Similar processes including erosion and transport of sediment and ~~((woody~~
3711 ~~debris))~~ large wood;
- 3712 3. Equivalent or better biological conditions, including presence of and habitat
3713 for invertebrates, fish, wildlife, and vegetation; and
- 3714 4. Equivalent or better biological functions, including fish and wildlife mating,
3715 reproduction, rearing, migration, and refuge; ~~((or))~~ and
- 3716 5. For tributary streams, a distance of no more than one-half mile from the main
3717 stem;
- 3718 E.1. ~~((The department may reduce the mitigation ratios in subsection C. of this~~
3719 ~~section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic~~
3720 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~
3721 ~~includes the following elements:~~
- 3722 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~
3723 ~~performance standards identified by the department;~~
- 3724 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~
3725 ~~and~~
- 3726 3. ~~Experienced, qualified staff to perform the monitoring))~~ On-site mitigation in
3727 riparian areas shall use the ratios in subsection E.2. of this section, unless the department
3728 establishes an alternative mitigation ratio with supplemental actions in accordance with
3729 subsection F. of this section;
- 3730 2. Ratios of area of mitigation to area of impact for on-site mitigation for
3731 riparian areas;

<u>Adjacent Aquatic Area Type</u>	<u>On-site Compensatory Mitigation Ratio</u>
<u>Shoreline (S)</u>	<u>3:1</u>
<u>Fish bearing(F)</u>	<u>3:1</u>
<u>Non-fish bearing (N)</u>	<u>3:1</u>
<u>Other (O)</u>	<u>2:1</u>

3732 F.1. The department may approve an alternative on-site area mitigation ratio to
 3733 subsection E. of this section when the following requirements of subsection F.2. of this
 3734 section are met.

3735 2. Required actions for alternative on-site riparian area mitigation ratio based on
 3736 the type of vegetation impacted;

<u>Adjacent Aquatic Area Type</u>	<u>Impacts to Woody Vegetation</u>	<u>Impacts to Non-Woody Vegetation or unvegetated Areas</u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one</u>	<u>1:1 ratio with at least two</u>
<u>Fish bearing (F)</u>	<u>primary action or three</u>	<u>secondary actions</u>
<u>Non-fish bearing (N)</u>	<u>secondary actions</u>	
<u>Other (O)</u>	<u>1:1 ratio with at least one</u>	<u>1:1 ratio with at least one</u>
	<u>primary action or two</u>	<u>secondary action</u>
	<u>secondary actions</u>	

3737 3. Primary actions:

3738 a. placing large wood in adjacent aquatic areas, if not associated with shoreline
 3739 stabilization or flood protection facilities;

3740 b. removing a fish passage barrier, if not required by the development permit;

3741 c. removing an aquatic area transportation crossing, such as roads, bridges, or
3742 trails, and revegetating as appropriate. Utility crossings are not included under this
3743 action, unless the removal is part of an integrated transportation crossing removal project;

3744 d. removing shoreline armoring, revetments, or levees; or

3745 e. other similar actions as determined by the department.

3746 4. Secondary actions:

3747 a. planting native trees, climate-smart plants, and shrubs in areas of riparian
3748 area addition lacking native vegetation that are adjacent to and contiguous with existing
3749 riparian areas, within an area equal to one-half of the area of impact. This action cannot
3750 be applied where the riparian area addition requires enhancement to achieve equal
3751 function to the impact area;

3752 b. placing large wood in riparian areas or an adjacent floodplain;

3753 c. installing wildlife snags or similar wildlife nesting or rearing habitat;

3754 d. removing floodplain fill and replating with native vegetation or climate-
3755 smart plants as appropriate; or

3756 e. other similar actions as determined by the department;

3757 G.1. If unable to be located on or within one-half mile of the site, off-site
3758 mitigation for riparian areas in the same drainage subbasin, may be accepted by the
3759 department and shall be in a mitigation banking site, resource mitigation reserve, or
3760 conservation easement if on private property. Off-site mitigation shall use the ratios of
3761 area of mitigation to area of impact in subsection G.2. of this section.

3762 2. Off-site ratios of area of mitigation to area of impact of riparian areas:

<u>Adjacent Aquatic Area Type</u>	<u>Off-Site Compensatory Mitigation</u> <u>Ratio</u>
<u>Shoreline (S)</u>	<u>4:1</u>
<u>Fish bearing (F)</u>	<u>4:1</u>
<u>Non-fish bearing (N)</u>	<u>4:1</u>
<u>Other (O)</u>	<u>3:1; and</u>

3763 H. For rectifying an illegal alteration to any type of aquatic area or ~~((its buffer))~~
3764 riparian area, mitigation measures ~~((must meet the following standards))~~ shall:
3765 1. For an aquatic area, be ~~((E))~~located on the site of the illegal alteration at a
3766 ~~((4:1))~~4:1 ratio of area of mitigation to area of ~~((alteration))~~ impact; ~~((and))~~
3767 2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio
3768 of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1
3769 ratio for adjacent type O aquatic areas; and
3770 3. To the maximum extent practical, replicates the natural prealteration
3771 configuration at its natural prealteration location including the factors in subsection B. of
3772 this section~~((; and~~
3773 ~~G.~~ ~~The department may modify the requirements in this section if the applicant~~
3774 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~
3775 ~~obtained in the affected hydrologic unit that the department may determine to be the~~
3776 ~~drainage subbasin through alternative mitigation measures.~~
3777 ~~H.~~ ~~For temporary alterations to an aquatic area or its buffer that is predominately~~
3778 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~
3779 ~~altered aquatic area or buffer)).~~

3780 SECTION 76. Ordinance 15051, Section 198, as amended, and K.C.C.

3781 21A.24.382 are hereby amended to read as follows:

3782 The following development standards apply to development proposals and
3783 alterations on sites containing wildlife habitat conservation areas:

3784 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3785 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat
3786 conservation area;

3787 B. For a bald eagle:

3788 1. The wildlife habitat conservation area is an area with a four-hundred-foot
3789 radius from an active nest;

3790 2. Between March 15 and April 30, alterations are not allowed within eight
3791 hundred feet of the nest; and

3792 ((2)) 3. Between January 1 and August 31, land clearing machinery, such as
3793 bulldozers, graders or other heavy equipment, may not be operated within eight hundred
3794 feet of the nest;

3795 C. For a great blue heron:

3796 1. The wildlife habitat conservation area is an area with an eight-hundred-
3797 twenty-foot radius from the rookery. The department may increase the radius up to an
3798 additional one-hundred sixty-four feet if the department determines that the population of
3799 the rookery is declining; and

3800 2. Between January 1 and July 31, clearing or grading are not allowed within
3801 nine-hundred-twenty-four feet of the rookery;

3802 D. For a marbled murrelet, the wildlife habitat conservation area is an area with a
3803 one-half-mile radius around an active nest;

3804 E. For a northern goshawk, the wildlife habitat conservation area is an area with a
3805 one-thousand-five-hundred-foot radius around an active nest located outside of the urban
3806 growth area;

3807 F. For an osprey:

3808 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-
3809 foot radius around an active nest; and

3810 2. Between April 1 and September 30, alterations are not allowed within six-
3811 hundred-sixty feet of the nest;

3812 G. For a peregrine falcon:

3813 1. The wildlife habitat conservation area is an area extending for a distance of
3814 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the
3815 rim of the cliff, and the area immediately below the cliff;

3816 2. Between March 1 and June 30, land-clearing activities that result in loud
3817 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within
3818 one-half mile of the eyrie; and

3819 3. New power lines may not be constructed within one-thousand feet of the
3820 eyrie;

3821 H. For a spotted owl, the wildlife habitat conservation area is an area with a
3822 three-thousand-seven-hundred-foot radius from an active nest;

3823 I. For a Townsend's big-eared bat:

3824 1. Between June 1 and October 1, the wildlife habitat conservation area is an
3825 area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located
3826 outside of the urban area, with an active nursery colony;

3827 2. Between November 1 and March 31, the wildlife habitat conservation area is
3828 an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine
3829 located outside the urban growth area serving as a winter hibernacula;

3830 3. Between March 1 and November 30, a building, bridge, tunnel, or other
3831 structure used solely for day or night roosting may not be altered or destroyed;

3832 4. Between May 1 and September 15, the entrance into a cave or mine that is
3833 protected because of bat presence is protected from human entry; and

3834 5. A gate across the entrance to a cave or mine that is protected because of bat
3835 presence must be designed to allow bats to enter and exit the cave or mine;

3836 J. For a Vaux's swift:

3837 1. The wildlife habitat conservation area is an area with a three-hundred-foot
3838 radius around an active nest located outside of the urban growth areas;

3839 2. Between April 1 and October 31, clearing, grading, or outdoor construction is
3840 not allowed within four hundred feet of an active or potential nest tree. The applicant
3841 may use a species survey to demonstrate that the potential nest tree does not contain an
3842 active nest;

3843 K. The department shall require protection of an active breeding site of any
3844 federal or state listed endangered, threatened, sensitive, and candidate species or King
3845 County species of local importance (~~((not listed in subsections B. through J. of this~~
3846 ~~section))~~). If the Washington state Department of Fish and Wildlife has adopted

management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 77. 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, 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;

B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic 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

3870 (2) 1.5:1 ratio for enhancement or restoration; and
3871 b. for mitigation off-site:
3872 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;
3873 and

3874 (2) 3:1 ratio for enhancement or restoration;
3875 C. For temporary alterations, the department may require rectification,
3876 restoration, or enhancement of the altered wildlife habitat network;

3877 D. The department may increase the width of the wildlife habitat network to
3878 mitigate for risks to habitat functions;

3879 E. To the maximum extent practical, mitigation projects involving wildlife
3880 habitat network restoration should provide replication of the site's prealteration natural
3881 environment including:

- 3882 1. Soil type, conditions, and physical features;
3883 2. Vegetation diversity and density; and
3884 3. Biologic and habitat functions; and

3885 F. The department may modify the requirements in this section if the applicant
3886 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife
3887 habitat conservation area or wildlife habitat network through alternative mitigation
3888 measures.

3889 SECTION 78. Ordinance 16958, Section 31, as amended, and K.C.C.
3890 21A.25.100 are hereby amended to read as follows:

3891 A. The shoreline use table in this section determines whether a specific use is
3892 allowed within each of the shoreline environments. The shoreline environment is located

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								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry 1611,	P6							

automotive parking, and off- street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
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.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C.								C15

21A.08.060)								
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
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) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx (((the ~~new section created~~ by)) <u>Ordinance</u> <u>XXXXXX (Proposed</u> <u>Ordinance 2024-</u> <u>0440), ((s))Section</u> <u>148 ((of Proposed</u> <u>Ordinance 2023-</u> <u>0442)))</u>								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate	P23	P						

residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.xxx (((the ~~new section created~~ by)) <u>Ordinance</u> <u>XXXXX (Proposed</u> <u>Ordinance 2024-</u> <u>0440), ((s))</u> Section 148 ((~~of Proposed~~ ~~Ordinance 2023-~~ ~~0442))))~~								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging	P23	P27	P27	C27	C27			

(K.C.C. 21A.08.030)								
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.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses	P30							

except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)								

3923 C. Development conditions:

3924 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,
3925 such as livestock use with an animal unit density of no more than one per two acres in the
3926 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to
3927 exceed twenty percent of the site area located within the shoreline jurisdiction.

3928 2.a. The supporting infrastructure for aquaculture may be located landward of
3929 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

3930 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

3931 c. In aquatic areas adjacent to the residential shoreline environment, net pen
3932 facilities shall be located no closer than one thousand five hundred feet from the ordinary
3933 high water mark of this environment, unless the department allows a specific lesser
3934 distance that it determines is appropriate based upon a visual impact analysis. Other
3935 types of floating culture facilities may be located within one thousand five hundred feet
3936 of the ordinary high water mark if supported by a visual impact analysis.

3937 d. In aquatic areas adjacent to the rural shoreline environment, net pen
3938 facilities shall be located no closer than one thousand five hundred feet from the ordinary
3939 high water mark of this environment, unless the department allows a specific lesser
3940 distance that it determines is appropriate based upon a visual impact analysis.

3941 e. In the natural shoreline environment and aquatic areas adjacent to the natural
3942 shoreline environment, commercial net pens are prohibited, and other aquaculture
3943 activities are limited to activities that do not require structures, facilities, or mechanized
3944 harvest practices and that will not alter the natural systems, features, or character of the
3945 site.

3946 f. Farm-raised geoduck aquaculture requires a shoreline substantial
3947 development permit if a specific project or practice causes substantial interference with
3948 normal public use of the surface waters.

3949 g. A conditional use permit is required for new commercial geoduck
3950 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
3951 planting and harvest shall not require a new conditional permit.

3952 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,
3953 from Piner Point to Point Robinson.

3954 b. Marinas shall meet the standards in K.C.C. 21A.25.120.

3955 4. Water dependent general services land uses in K.C.C. 21A.08.050 are
3956 allowed. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are only
3957 allowed on sites that are not contiguous with the ordinary high water mark or on sites that
3958 do not have an easement that provides direct access to the water.

3959 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are
3960 allowed.

3961 b. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are
3962 only allowed as part of a shoreline mixed-use development that includes water-dependent
3963 uses.

3964 c. Nonwater-oriented general service((s)) land uses shall provide a
3965 ((significant)) public benefit by ((helping to achieve)) achieving one or more of the
3966 following shoreline master program goals:

3967 (1) economic development for water-dependent uses;

3968 (2) public access;

3969 (3) water-oriented recreation;

3970 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
3971 habitat; ~~((and))~~ or

3972 (5) protection and restoration of historic properties.

3973 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
3974 Water-related business service((s)) uses are only allowed as part of a shoreline mixed-use
3975 development and only if they support a water-dependent use. The water-related business
3976 service((s)) uses shall comprise less than one-half of the square footage of the structures
3977 or the portion of the site within the shoreline jurisdiction.

3978 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

3979 b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
3980 part of a shoreline mixed-use development if the nonwater-dependent retail use supports

3981 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the
3982 square footage of the structures or the portion of the site within the shoreline jurisdiction.

3983 c. Nonwater-oriented retail uses shall provide a significant public benefit by
3984 helping to achieve one or more of the following shoreline master program goals:

3985 (1) economic development for water-dependent uses;

3986 (2) public access;

3987 (3) water-oriented recreation;

3988 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
3989 habitat; and

3990 (5) protection and restoration of historic properties.

3991 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-
3992 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a
3993 significant public benefit by helping to achieve one or more of the following shoreline
3994 master program goals:

3995 a. economic development for water-dependent uses;

3996 b. public access;

3997 c. water-oriented recreation;

3998 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
3999 habitat; and

4000 e. protection and restoration of historic properties.

4001 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

4002 b. Nonwater-dependent government services in K.C.C. 21A.08.060 are only
4003 allowed as part of a shoreline mixed-use development if the nonwater-dependent

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. ~~((E))~~cable crossings for telecommunications and power lines shall:

- 4027 (1) be routed around or drilled below aquatic critical habitat or species;
- 4028 (2) be installed in sites free of vegetation, as determined by physical or video
- 4029 seabed survey;
- 4030 (3) be buried, preferably using directional drilling, from the uplands to
- 4031 waterward of the deepest documented occurrence of native aquatic vegetation; and
- 4032 (4) use the best available technology;
- 4033 e. ~~((Θ))~~oil, gas, water, and other pipelines shall meet the same standards as
- 4034 cable crossings and in addition:
- 4035 (1) pipelines shall be directionally drilled to depths of seventy feet or one half
- 4036 mile from the ordinary high water mark; and
- 4037 (2) use the best available technology for operation and maintenance;
- 4038 f. ~~((B))~~breakwaters are not allowed within the Maury Island Aquatic Reserve
- 4039 or within the ~~((A))~~aquatic environment adjacent to the ~~((C))~~conservancy and ~~((N))~~natural
- 4040 shorelines.
- 4041 11. In the ~~((N))~~natural shoreline environment, limited to low intensity forest
- 4042 practices that conserve or enhance the health and diversity of the forest ecosystem or
- 4043 ecological and hydrologic functions conducted for the purpose of accomplishing specific
- 4044 ecological enhancement objectives. In all shoreline environments, forest practices shall
- 4045 meet the standards in K.C.C. 21A.25.130.
- 4046 12. Manufacturing uses in the shoreline environment shall give preference first
- 4047 to water-dependent manufacturing uses and second to water-related manufacturing uses:
- 4048 a. ~~((N))~~nonwater-oriented manufacturing uses are allowed only:

- 4049 (1) as part of a shoreline mixed-use development that includes a water-
4050 dependent use, but only if the water-dependent use comprises over fifty percent of the
4051 floor area or portion of the site within the shoreline jurisdiction;
- 4052 (2) on sites where navigability is severely limited; or
- 4053 (3) on sites that are not contiguous with the ordinary high water mark or on
4054 sites that do not have an easement that provides direct access to the water; and
- 4055 (4) all nonwater-oriented manufacturing uses shall also provide a significant
4056 public benefit, such as ecological restoration, environmental clean-up, historic
4057 preservation, or water-dependent public education;
- 4058 b. public access is required for all manufacturing uses unless it would result in
4059 a public safety risk or is incompatible with the use;
- 4060 c. shall be located, designed, and constructed in a manner that ensures that
4061 there are no significant adverse impacts to other shoreline resources and values;
- 4062 d. restoration is required for all new manufacturing uses; and
- 4063 e. boat repair facilities are not allowed within the Maury Island Aquatic
4064 Reserve, except as follows:
- 4065 (1) engine repair or maintenance conducted within the engine space without
4066 vessel haul-out;
- 4067 (2) topside cleaning, detailing, and bright work;
- 4068 (3) electronics servicing and maintenance;
- 4069 (4) marine sanitation device servicing and maintenance that does not require
4070 haul-out;
- 4071 (5) vessel rigging; and

4072 (6) minor repairs or modifications to the vessel's superstructure and hull
4073 above the waterline that do not exceed twenty-five percent of the vessel's surface area
4074 above the waterline.

4075 13. The water-dependent in-stream portion of a hydroelectric generation facility,
4076 wastewater treatment facility, and municipal water production are allowed, including the
4077 upland supporting infrastructure, and shall provide for the protection and preservation, of
4078 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
4079 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
4080 hydrogeological processes, and natural scenic vistas.

4081 14. New in-stream portions of utility facilities may be located within the
4082 shoreline jurisdiction if:

- 4083 a. there is no feasible alternate location;
- 4084 b. provision is made to protect and preserve ecosystem-wide processes,
4085 ecological functions, and cultural resources, including, but not limited to, fish and fish
4086 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
4087 and natural scenic vistas; and
- 4088 c. the use complies with the standards in K.C.C. 21A.25.260.

4089 15. Limited to in-stream infrastructure, such as bridges, and shall consider the
4090 priorities of the King County Shoreline Protection and Restoration Plan when designing
4091 in-stream transportation facilities. In-stream structures shall provide for the protection
4092 and preservation of ecosystem-wide processes, ecological functions, and cultural
4093 resources, including, but not limited to, fish and fish passage, wildlife and water
4094 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

4095 16. Limited to hatchery and fish preserves.

4096 17. Mineral uses:

4097 a. shall meet the standards in K.C.C. chapter 21A.22;

4098 b. shall be dependent upon a shoreline location;

4099 c. shall avoid and mitigate adverse impacts to the shoreline environment

4100 during the course of mining and reclamation to achieve no net loss of shoreline ecological

4101 function. In determining whether there will be no net loss of shoreline ecological

4102 function, the evaluation may be based on the final reclamation required for the site.

4103 Preference shall be given to mining proposals that result in the creation, restoration, or

4104 enhancement of habitat for priority species;

4105 d. shall provide for reclamation of disturbed shoreline areas to achieve

4106 appropriate ecological functions consistent with the setting;

4107 e. may be allowed within the active channel of a river only as follows:

4108 (1) removal of specified quantities of sand and gravel or other materials at

4109 specific locations will not adversely affect the natural processes of gravel transportation

4110 for the river system as a whole;

4111 (2) the mining and any associated permitted activities will not have

4112 significant adverse impacts to habitat for priority species nor cause a net loss of

4113 ecological functions of the shoreline; and

4114 (3) if no review has been previously conducted under this subsection C.17.e.,

4115 before renewing, extending, or reauthorizing gravel bar and other in-channel mining

4116 operations in locations where they have previously been conducted, the department shall

4117 require compliance with this subsection C.17.e. If there has been prior review, the

department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

f. shall comply with K.C.C. 21A.25.190.

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ~~((H))~~high ~~((F))~~intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

19. Water-dependent and water-enjoyment recreational uses are allowed in the ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ~~((C))~~conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the ~~((N))~~natural shoreline environment, only passive and low-impact recreational uses are allowed.

22. Single detached residences shall be located outside of the ~~((aquatic area buffer))~~ riparian area and set back from the ordinary high water mark to the maximum extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction.

4141 24. Residential accessory uses shall meet the following standards:

4142 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply

4143 with the standards in K.C.C. 21A.25.180;

4144 b. residential accessory structures located within the ~~((aquatic area buffer))~~

4145 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

4146 c. accessory structures shall be sited to preserve visual access to the shoreline

4147 to the maximum extent practical.

4148 25. New highway and street construction is allowed only if there is no feasible

4149 alternate location. Only low-intensity transportation infrastructure is allowed in the

4150 ~~((N))~~natural environment.

4151 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

4152 27. Only bed and breakfast guesthouses.

4153 28. Only in a marina.

4154 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

4155 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4156 SECTION 79. Ordinance 16985, Section 32, as amended, and K.C.C.

4157 21A.25.110 are hereby amended to read as follows:

4158 An applicant for an aquaculture facility shall use the sequential measures in

4159 K.C.C. 21A.25.080. The following standards apply to aquaculture:

4160 A. Unless the applicant demonstrates that the substrate modification will result in

4161 an increase in native habitat diversity, aquaculture that involves little or no substrate

4162 modification shall be given preference over aquaculture that involves substantial

4163 substrate modification and the degree of proposed substrate modification shall be limited

4164 to the maximum extent practical.

4165 B. The installation of submerged structures, intertidal structures and floating
4166 structures shall be limited to the maximum extent practical.

4167 C. Aquaculture proposals that involve substantial substrate modification or
4168 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other
4169 similar mechanisms, shall not be allowed in areas where the proposal would adversely
4170 impact critical saltwater or critical freshwater habitats.

4171 D. Aquaculture activities that after implementation of mitigation measures would
4172 have a significant adverse impact on natural, dynamic shoreline processes, or that would
4173 result in a net loss of shoreline ecological functions shall be prohibited.

4174 E. Aquaculture should not be located in areas that will result in significant
4175 conflicts with navigation or other water-dependent uses.

4176 F. Aquaculture facilities shall be designed, located, and managed to prevent the
4177 spread of diseases to native aquatic life or the spread of new nonnative species.

4178 G. Aquaculture practices shall be designed to minimize use of artificial chemical
4179 substances and shall use chemical compounds that are least persistent and have the least
4180 impact on plants and animals. Herbicides and pesticides shall be used only in
4181 conformance with state and federal standards and to the minimum extent needed for the
4182 health of the aquaculture activity.

4183 H. Noncommercial native salmon net pen facilities that involve minimal
4184 supplemental feeding and limited use of chemicals or antibiotics as provided in
4185 subsection G. of this section may be located in King County marine waters if they are
4186 consistent with subsections S. and Y. of this section and are:

4187 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

4188 2. For the limited penned cultivation of wild salmon stocks during a limited

4189 portion of their lifecycle to enhance restoration of native stocks; or

4190 3. For rearing to adulthood in order to harvest eggs as part of a captive brood

4191 stock recovery program for endangered species.

4192 I. If uncertainty exists regarding potential impacts of a proposed aquaculture

4193 activity and for all experimental aquaculture activities, unless otherwise provided for, the

4194 department may require baseline and periodic operational monitoring by a county-

4195 approved consultant, at the applicant's expense, and shall continue until adequate

4196 information is available to determine the success of the project and the magnitude of any

4197 probable ((~~significant~~)) adverse environmental impacts. Permits for such activities shall

4198 include specific performance measures and provisions for adjustment or termination of

4199 the project at any time if monitoring indicates ((~~significant~~)) adverse environmental

4200 impacts that cannot be adequately mitigated.

4201 J. Aquaculture developments approved on an experimental basis shall not exceed

4202 five acres in area, except land-based projects and anchorage for floating systems, and

4203 three years in duration. The department may issue a new permit to continue an

4204 experimental project as many times as it determines is necessary and appropriate.

4205 K. The department may require aquaculture operations to carry liability insurance

4206 in an amount commensurate with the risk of injury or damage to any person or property

4207 as a result of the project. Insurance requirements shall not be required to duplicate

4208 requirements of other agencies.

4209 L. If aquaculture activities are authorized to use public facilities, such as boat

4210 launches or docks, King County may require the applicant to pay a portion of the cost of
4211 maintenance and any required improvements commensurate with the use of those
4212 facilities.

4213 M. New aquatic species that are not previously cultivated in Washington state
4214 shall not be introduced into King County saltwaters or freshwaters without prior written
4215 approval of the Director of the Washington state Department of Fish and Wildlife and the
4216 Director of the Washington state Department of Health. This prohibition does not apply
4217 to((÷)) Pacific, Olympia, Kumomoto, Belon₂ or Virginica oysters; Manila, Butter, or
4218 Littleneck clams; or Geoduck clams.

4219 N. Unless otherwise provided in the shoreline permit issued by the department,
4220 repeated introduction of an approved organism after harvest in the same location shall
4221 require approval by the county only at the time the initial aquaculture use permit is
4222 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
4223 organism in any area within the waters of King County regardless of whether it is a native
4224 or resident organism within the county and regardless of whether it is being transferred
4225 from within or without the waters of King County.

4226 O. For aquaculture projects, overwater structures shall be allowed only if
4227 necessary for the immediate and regular operation of the facility. Overwater structures
4228 shall be limited to the storage of necessary tools and apparatus in containers of not more
4229 than three feet in height, as measured from the surface of the raft or dock.

4230 P. Except for the sorting or culling of the cultured organism after harvest and the
4231 washing or removal of surface materials or organisms before or after harvest, no
4232 processing of any aquaculture product shall occur in or over the water unless specifically

4233 approved by permit. All other processing and processing facilities shall be located
4234 landward of the ordinary high water mark.

4235 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict
4236 compliance with all applicable governmental waste disposal standards, including, but not
4237 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
4238 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the
4239 site of any aquaculture operation.

4240 R. Unless approved in writing by the National Marine Fisheries Service or the
4241 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
4242 harassment of birds or mammals. Approved controls include, but are not limited to,
4243 double netting for seals, overhead netting for birds, and three-foot high fencing or netting
4244 for otters. The use of other nonlethal, nonabusive predator control measures shall be
4245 contingent upon receipt of written approval from the National Marine Fisheries Service
4246 or the U.S. Fish and Wildlife Service, as required.

4247 S. Finfish net pens and rafts shall meet the following criteria in addition to the
4248 other applicable regulations of this section:

4249 1. Finfish net pens shall not be located in Quartermaster Harbor. For the
4250 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north
4251 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner
4252 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

4253 2. Finfish net pens shall meet, at a minimum, state approved administrative
4254 guidelines for the management of net pen cultures. In the event there is a conflict in
4255 requirements, the more restrictive requirement shall prevail;

4256 3. Finfish net pens shall not occupy more than two surface acres of water area,
4257 excluding booming and anchoring requirements. Anchors that minimize disturbance to
4258 substrate, such as helical anchors, shall be employed. Such operations shall not use
4259 chemicals or antibiotics;

4260 4. Aquaculture proposals that include new or added net pens or rafts shall not be
4261 located closer than one nautical mile to any other aquaculture facility that includes net
4262 pens or rafts. The department may authorize a lesser distance if the applicant
4263 demonstrates to the satisfaction of the department that the proposal will be consistent
4264 with the environmental and aesthetic policies and objectives of this chapter and the
4265 shoreline master program. The applicant shall demonstrate to the satisfaction of the
4266 department that the cumulative impacts of existing and proposed operations would not be
4267 contrary to the policies and regulations of the program;

4268 5. Net cleaning activities shall be conducted on a frequent enough basis so as
4269 not to violate state water quality standards. When feasible, the cleaning of nets and other
4270 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

4271 6. In the event of a significant fish kill at the site of a net pen facility, the finfish
4272 aquaculture operator shall submit a timely report to public health – Seattle & King
4273 County, environmental health division, and the department of local services, permitting
4274 division, stating the cause of death and shall detail remedial actions to be implemented to
4275 prevent reoccurrence.

4276 T. All floating and submerged aquaculture structures and facilities in navigable
4277 waters shall be marked in accordance with United States Coast Guard requirements.

4278 U. The rights of treaty tribes to aquatic resources within their usual and

4279 accustomed areas shall be addressed through direct coordination between the applicant
4280 and the affected Indian tribes through the permit review process.

4281 V. Aquaculture structures and equipment shall be of sound construction and shall
4282 be so maintained. Abandoned or unsafe structures and equipment shall be removed or
4283 repaired promptly by the owner. Where any structure might constitute a potential hazard
4284 to the public in the future, the department shall require the posting of a bond
4285 commensurate with the cost of removal or repair. The department may abate an
4286 abandoned or unsafe structure in accordance with K.C.C. Title 23.

4287 W. Aquaculture shall not be approved where it will adversely impact eelgrass and
4288 macroalgae.

4289 X. Commercial salmon net pens and nonnative marine finfish aquaculture are
4290 prohibited.

4291 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations
4292 in this section and shall meet the following criteria and requirements:

4293 1. Each finfish net pen application shall provide a current, peer-reviewed
4294 science review of environmental issues related to finfish net pen aquaculture;

4295 2. The department shall only approve a finfish net pen application if the
4296 department determines the scientific review demonstrates:

4297 a. that the project construction and activities will achieve no net loss of
4298 ecological function in a manner that has no ~~((significant))~~ adverse short-term impact and
4299 no documented adverse long-term impact to applicable elements of the environment,
4300 including, but not limited to, habitat for native salmonids, water quality, critical saltwater
4301 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the

4302 benthic community below the net pen or other environmental attributes; and

4303 b. that the finfish net pen does not involve significant risk of cumulative
4304 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or
4305 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other
4306 adverse effects on native species or threatened or endangered species and their habitats;

4307 3. The department's review shall:

4308 a. include an assessment of the risk to endangered species, non-endangered
4309 species, and other biota that could be affected by the finfish net pen; and

4310 b. evaluate and model water quality impacts utilizing current information,
4311 technology, and assessment models. The project proponent shall be financially
4312 responsible for this water quality assessment;

4313 4. Finfish net pens shall be designed, constructed and maintained to prevent
4314 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,
4315 wind and wave events of record, floating and submerged debris, and tidal action;

4316 5. Finfish net pens shall not be located:

4317 a. within three hundred feet of an area containing eelgrass or a kelp bed;
4318 b. within one thousand five hundred feet of an ordinary high water mark; or
4319 c. in a designated Washington state Department of Natural Resources aquatic
4320 reserve;

4321 6. A finfish net pen may not be used to mitigate the impact of a development
4322 proposal; and

4323 7. For finfish net pens that are not noncommercial native salmon net pens, the
4324 conditional use permit for the net pen shall be renewed every five years. An updated

4325 scientific review shall be conducted as part of the renewal and shall include a new risk
4326 assessment and evaluation of the impact of the operation of the finfish net pen during the
4327 previous five years.

4328 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

4329 SECTION 80. Ordinance 3688, Section 415, as amended, and K.C.C.

4330 21A.25.150 are hereby amended to read as follows:

4331 Recreational development must meet the following standards:

4332 A. The recreational development must be permitted in the underlying zone;

4333 B. Recreational uses in the ((N))natural shoreline environment must be water-
4334 oriented;

4335 C. Swimming areas shall be separated from boat launch areas and marinas, to the
4336 maximum extent practical;

4337 D. The development of underwater sites for sport diving shall not:

4338 1. Take place at depths of greater than eighty feet;

4339 2. Constitute a navigational hazard; and

4340 3. Be located in areas where the normal waterborne traffic would constitute a
4341 hazard to those people who may use such a site;

4342 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
4343 and launching facilities below the ordinary high water mark shall be governed by the
4344 regulations relating to docks, piers, moorage, buoys, floats, or launching facility
4345 construction in K.C.C. 21A.25.180;

4346 F. Public boat launching facilities or marinas shall be governed by K.C.C.
4347 21A.25.120;

4348 G. Campgrounds in the ((N))natural shoreline environment shall meet the
4349 following conditions:

4350 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
4351 not, be located outside of critical area((s)) buffers;

4352 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

4353 3. Removal of vegetation shall be limited to the maximum extent practical;

4354 H. Public contact with unique and fragile areas shall be permitted where it is
4355 possible without destroying the natural character of the area;

4356 I. Water viewing, nature study, recording, and viewing shall be accommodated
4357 by open space, platforms, benches or shelter, consistent with public safety and security;

4358 J. Public recreation shall be provided on county-owned lands consistent with this
4359 chapter unless the director determines public recreation is not compatible with other uses
4360 on the site or will create a public safety risk; and

4361 K. To the maximum extent practical, proposals for non water oriented active
4362 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be
4363 permitted where the non water oriented active recreation facility would have an adverse
4364 impact on critical saltwater or critical freshwater habitats.

4365 SECTION 81. Ordinance 16985, Section 39, as amended, and K.C.C.
4366 21A.25.160 are hereby amended to read as follows:

4367 A. The shoreline modification table in this section determines whether a specific
4368 shoreline modification is allowed within each of the shoreline environments. The
4369 shoreline environment is located on the vertical column and the specific use is located on

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;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table;

6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and

4392 7. This section does not authorize a shoreline modification that is not allowed
 4393 by the underlying zoning, but may add additional restrictions or conditions or prohibit
 4394 specific modifications within the shoreline jurisdiction. All shoreline modifications in
 4395 the shoreline jurisdiction shall comply with all relevant county code provisions and with
 4396 the King County shoreline master program.

4397 B. Shoreline modifications.

	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	P4	P4	P4	P4	C4	C4	P4
	C4	C4	C4	C4	C4			C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5	P5	P5	P5	P5	P5	P5	P5
	C5	C5	C5	C5	C5	C5	C5	C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6	P6	P6	P6	P6	C6	C6	P6
	C6	C6	C6	C6	C6			C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems	P7	P7	P7	P7	P7	P7	P7	P7

enhancement projects								
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

4398 C. Development conditions.

4399 1. New and replacement shoreline stabilization, including bulkheads, shall meet
4400 the standards in K.C.C. 21A.25.170;

4401 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.
4402 chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King
4403 County Flood Management Plan, and the Integrated ~~((Stream))~~ Streambank Protection
4404 Guidelines (Washington state ~~((d))~~ Departments of Fish and Wildlife, Ecology, and
4405 Transportation, 2003). New structural flood hazard protection measures are allowed in
4406 the shoreline jurisdiction only when the applicant demonstrates by a scientific and
4407 engineering analysis that the structural measures are necessary to protect existing
4408 development, that nonstructural measures are not feasible and that the impact on
4409 ecological functions and priority species and habitats can be successfully mitigated ~~((se~~
4410 ~~as))~~ to assure no net loss of shoreline ecological functions. New flood protection
4411 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.
4412 21A.25.170.

4413 b. Relocation, replacement, or expansion of existing flood control facilities
4414 within the ((N))natural shoreline environment are allowed, subject to the requirements of
4415 the King ((e))County Flood ((Hazard)) Management Plan and consistent with the
4416 Washington State Aquatic Guidelines Program's Integrated Streambank Protection
4417 Guidelines and bioengineering techniques used to the maximum extent practical. New
4418 facilities would only be allowed consistent with an approved watershed resources
4419 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

4420 3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with
4421 the standards in K.C.C. 21A.25.180;

4422 4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

4423 b. A shoreline conditional use permit is required to:

4424 (1) Place fill waterward of the ordinary high water mark for any use except
4425 ecological restoration or for the maintenance and repair of flood protection facilities; and

4426 (2) Dispose of dredged material within shorelands or wetlands within a
4427 channel migration zone;

4428 c. ((F))fill shall not be placed in critical saltwater or critical freshwater habitats
4429 except when all ((e))the following conditions are met:

4430 (1) the public's need for the proposal is clearly demonstrated and the proposal
4431 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4432 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by
4433 an alternative alignment or location is not feasible or would result in unreasonable and
4434 disproportionate cost to accomplish the same general purpose;

4435 (3) the project including any required mitigation, will result in no net loss of
4436 ecological functions associated with critical saltwater or critical freshwater habitats; and

4437 (4) the project is consistent with the state's interest in resource protection and
4438 species recovery; and

4439 d. In a channel migration zone, any filling shall protect shoreline ecological
4440 functions, including channel migration.

4441 5.a. Breakwaters, jetties, groins, and weirs:

4442 (1) are only allowed where necessary to support water dependent uses, public
4443 access, approved shoreline stabilization, or other public uses, as determined by the
4444 director;

4445 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
4446 habitat restoration project or as an alternative to construction of a shoreline stabilization
4447 structure;

4448 (3) shall not intrude into or over critical saltwater or critical freshwater
4449 habitats except when all ((~~of~~)) the following conditions are met:

4450 (a) the public's need for the structure is clearly demonstrated and the
4451 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4452 (b) avoidance of impacts to critical saltwater or critical freshwater habitats
4453 by an alternative alignment or location is not feasible or would result in unreasonable and
4454 disproportionate cost to accomplish the same general purpose;

4455 (c) the project including any required mitigation, will result in no net loss of
4456 ecological functions associated with critical saltwater or critical freshwater habitats; and

4457 (d) the project is consistent with the state's interest in resource protection
4458 and species recovery.

4459 b. Groins are only allowed as part of a restoration project sponsored or
4460 cosponsored by a public agency that has natural resource management as a primary
4461 function.

4462 c. A conditional shoreline use permit is required, except for structures installed
4463 to protect or restore shoreline ecological functions.

4464 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.
4465 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
4466 material within shorelands, wetlands, or side channels within a channel migration zone.

4467 7.a. If the department determines the primary purpose is restoration of the
4468 natural character and ecological functions of the shoreline, a shoreline habitat, and natural
4469 systems enhancement project may include shoreline modification of vegetation, removal
4470 of nonnative or invasive plants, and shoreline stabilization, including the installation of
4471 large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through
4472 biological assessments required by the National Marine Fisheries Services and applied to
4473 flood hazard mitigation projects may include shoreline modifications of vegetation,
4474 removal of nonnative or invasive plants, and shoreline stabilization, including the
4475 installation of large ((~~woody debris~~)) wood, dredging, and filling.

4476 b. Within the urban growth area, the county may grant relief from shoreline
4477 master program development standards and use regulations resulting from shoreline
4478 restoration projects consistent with criteria and procedures in WAC 173-27-215.

4479 c. A restoration and enhancement plan shall be prepared by an ecological
4480 professional. The plan shall include a critical functional analysis that evaluates the
4481 existing conditions and the post-project ecological and increase in functions to be
4482 achieved by the project.

4483 d. An applicant for a shoreline habitat and natural systems enhancement
4484 project shall demonstrate that the proposed project will provide a net ecological benefit
4485 and increase in functions over the existing ecological and functional conditions of the
4486 habitat project area. If this requirement is satisfied, additional mitigation or restoration
4487 beyond the proposed habitat enhancement project itself may not be required. The
4488 applicant may be required to comply with the post-project monitoring and reporting
4489 conditions in K.C.C. 21A.24.130.

4490 8. Within the critical area and critical area buffer, vegetation removal is subject
4491 to K.C.C. chapter 21A.24.

4492 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
4493 native vegetation located outside of the critical area and critical area buffer shall be
4494 retained to the maximum extent practical. Within the critical area and critical area buffer,
4495 vegetation removal is subject to K.C.C. chapter 21A.24.

4496 SECTION 82. Ordinance 16985, Section 46, as amended, and K.C.C.
4497 21A.25.210 are hereby amended to read as follows:

4498 The expansion of a dwelling unit or residential accessory structure located in the
4499 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the following:~~

4500 A.)) shall require a shoreline variance ((f))if the proposed expansion will result in
4501 a total cumulative expansion of the dwelling unit and accessory structures of more than
4502 one thousand square feet(~~(, a shoreline variance is required; and~~

4503 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
4504 ~~the expansion is not allowed)).~~

4505 SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045
4506 are hereby amended to read as follows:

4507 A. To achieve the maximum density allowances using a livestock management
4508 component of a farm management plan, the plan must meet the following criteria:

4509 1. The plan is developed as part of a program authorized or approved by King
4510 County. Certified Washington state Department of Ecology nutrient management plans
4511 that are consistent with all of the criteria of this section may substitute for a livestock
4512 management component of a farm management plan for commercial dairy farms.
4513 Commercial dairy farms that do not have approved nutrient management plans must meet
4514 the requirements of K.C.C 21A.30.060;

4515 2. The plan includes site-specific management measures for minimizing
4516 nonpoint pollution from agricultural activities and for managing wetland and aquatic
4517 areas including, but not limited to:

- 4518 a. livestock watering;
- 4519 b. grazing and pasture management;
- 4520 c. confinement area management;
- 4521 d. manure management; and

e. exclusion of animals from aquatic areas (~~((and their buffers))~~), riparian areas,
and wetlands and (~~((their))~~) associated buffers with the exception of grazed wet meadows.

3. The plan is implemented within a timeframe established in the plan and
maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4. A monitoring plan may be required as part of the livestock management
component of a farm management plan to demonstrate that there is no significant impact
to water quality and (~~((salmonid fisheries))~~) fish habitat. Monitoring results shall be
available to the King County agriculture program.

B. The livestock management component of a farm management plan shall, at a
minimum:

1. (~~((Generally s))~~)Seek to achieve a ((~~twenty-five-foot buffer of~~): forty-foot-
wide grazing area buffer including diverse, mature vegetation between grazing areas and
the ordinary high water mark of all type S and F aquatic areas and the wetland edge of
any category I, II, or III wetland with the exception of grazed wet meadows(~~((, using~~
~~buffer averaging where necessary to accommodate existing structures))~~); thirty-five-foot-
wide grazing area buffer including diverse, mature vegetation between grazing areas and
the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing
area buffer including diverse, mature vegetation between grazing areas and the wetland
edge of any category IV wetlands other than grazed wet meadows. The livestock
management component of a farm management plan(~~((s))~~) may vary the width of the
grazing area buffer (~~((of an aquatic area or wetland))~~), and the time and duration of animal
exclusion throughout the year, according to guidelines agreed upon by King County and
the King Conservation District. The guidelines may support a different grazing area

buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ~~((N or))~~ O waters. ~~((Forested lands being cleared))~~ Clearing of lands for grazing ~~((areas))~~ shall comply with the riparian area widths and critical area buffers and all applicable regulations in K.C.C. chapter 21A.24;

2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature vegetation downslope of any confinement areas within two hundred feet of type S~~((and))~~, F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan.

4567 D. A copy of the final plans shall be submitted to the department of natural
4568 resources and parks within sixty days of completion.

4569 E. The farm management plan approved by the department of natural resources
4570 and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040
4571 and 20.22.080. Appeals may be filed only by the property owner or four members of the
4572 King County agriculture commission. Any farm management plan not appealed shall
4573 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.
4574 9.12.035.

4575 F. Properties operating subject to an existing livestock management farm plan
4576 developed based on the standards in effect before the effective date of this ordinance shall
4577 be deemed to have satisfied the standards of this section.

4578 SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C.
4579 21A.30.060 are hereby amended to read as follows:

4580 Property owners with farms containing either large livestock at densities greater
4581 than one animal unit per two acres, or small livestock at densities greater than five
4582 animals per acre, or both, are not required to follow a((n)) livestock management plan if
4583 the owners adhere to the management standards in subsections A. through G. of this
4584 section. This section applies only if farm practices do not result in violation of any
4585 federal, state, or local water quality standards.

4586 A. To minimize livestock access to aquatic areas, property owners shall utilize
4587 the following livestock watering options:

4588 1. The preferred option, which is a domestic water supply, stock watering pond,
4589 roof runoff collection system, or approved pumped supply from the aquatic areas so that
4590 livestock are not required to enter aquatic areas for their water supply.

4591 2. Livestock access to type S~~((and))~~, F, and N waters~~((, including their buffers))~~
4592 and riparian areas shall be limited to crossing and watering points that have been
4593 addressed by a crossing or watering point plan designed to Natural Resource
4594 Conservation Services or King Conservation District specifications that prevent free
4595 access along the length of the aquatic areas.

4596 a. Fencing shall be used as necessary to prevent livestock access to type S
4597 ~~((and))~~, F, and N waters.

4598 b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of
4599 crossings. Piers and abutments shall not be placed within the ordinary high water mark
4600 or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of
4601 flood waters and shall not diminish flood carrying capacity. These bridges may be placed
4602 without a county building permit, but the permit waiver shall not constitute any
4603 assumption of liability by the county with regard to such bridge or its placement. The
4604 waiver of county building permit requirements does not constitute a waiver from other
4605 required agency permits.

4606 B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall
4607 maintain a ~~((vegetative buffer of fifty feet))~~ fifty-foot-wide grazing area buffer from the
4608 ~~((wetland))~~ edge of a category I, II~~((or))~~, III, or IV wetland, except those wetlands
4609 meeting the definition of grazed wet meadows, or the ordinary high water mark of a type
4610 S~~((or))~~, F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a

4611 category IV wetland except those wetlands meeting the definition of grazed wet
4612 meadows.

4613 2. ~~((Forested-1))~~ Lands being cleared for grazing areas shall comply with the
4614 riparian area widths and critical area buffers and the associated regulations in K.C.C.
4615 chapter 21A.24.

4616 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-
4617 five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may
4618 not be used when ~~((forested))~~ lands are being cleared for grazing areas.

4619 4. Fencing shall be used to establish and maintain the grazing area buffer unless
4620 the buffer is otherwise impenetrable to livestock.

4621 5. Fencing installed in accordance with the ~~((1990 Sensitive Area Ordinance~~
4622 ~~before February 14, 1994))~~ standards in effect before January 1, 2005, at setbacks other
4623 than those specified in subsection B.~~((1. and 2.))~~ of this section shall be deemed to
4624 constitute compliance with those requirements.

4625 6. Grazing areas within two hundred feet of a type S~~((or))~~, F, or N water or
4626 category I, II~~((or))~~, III, or IV wetland shall not be plowed during the rainy season from
4627 October 1 through April 30.

4628 7. Grazing areas may extend to the property line, provided that type S~~((or))~~, F,
4629 or N waters and category I, II~~((and))~~, III, or IV wetlands that are located adjacent to the
4630 property line are ~~((buffered))~~ protected in accordance with subsection B.1., 2., or 3. of
4631 this section.

4632 C.1. In addition to the buffers in subsection B.~~((1. and 2.))~~ of this section,
4633 confinement areas located within two hundred feet of any type S~~((or))~~, F, or N waters or
4634 category I, II~~((or))~~, III, or IV wetlands with the exception of grazed wet meadows shall:

4635 a. have a twenty-foot-wide vegetative filter strip downhill from the
4636 confinement area, consisting of heavy grasses or other ground cover with high stem
4637 density and that may also include tree cover;

4638 b. not be located in ~~((the buffer of))~~ a riparian area adjacent to any type S~~((or))~~,
4639 F, or N water or any wetland buffer required by the critical areas ordinance in effect at
4640 the time the confinement area is built, or within fifty feet of the wetland edge of any
4641 category I, II~~((or))~~, III, or IV wetland or the ordinary high water mark of any type S~~((or))~~,
4642 F, or N water. Fencing shall be used to establish and maintain the buffer except where
4643 existing natural vegetation is sufficient to exclude livestock from the buffer~~((Existing~~
4644 ~~confinement areas that do not meet these requirements shall be modified as necessary to~~
4645 ~~provide the buffers specified in this section within five years of January 1, 2005, though~~
4646 ~~the footprint of existing buildings need not be so modified))~~; and

4647 c. have roof drains of any buildings in the confinement area diverted away
4648 from the confinement area.

4649 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and
4650 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~
4651 subsection C. of this section.

4652 D.1. Manure storage areas shall be managed as follows:

4653 a. Surface flows and roof runoff shall be diverted away from manure storage
4654 areas;

b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ~~((or))~~, F, or N water or the edge of a category I, II~~((or))~~, III, or IV wetland 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;

c. Manure shall not be stored in any ~~((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. Manure piles shall not be closer than one hundred feet uphill from:

- (1) any wetland edge excluding grazed or tilled wet meadows;
- (2) the ordinary high water mark of any aquatic area; or
- (3) any ditch to which the topography would generally direct runoff from the manure; and

d. 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.

4678 E. For purposes of this section, "buffer maintenance" means allowing vegetation
4679 in the grazing area buffer that provides shade for the aquatic area or acts as a filter for
4680 storm water entering the aquatic area, other than noxious weeds, to grow to its mature
4681 height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer
4682 is allowed only for establishment of watering and crossing points, or for other activities
4683 permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

4684 F. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at distances
4685 other than those specified in these standards, and for which livestock management farm
4686 plans have been developed based on the existing fencing locations, shall be deemed to be
4687 in compliance with the fencing requirements of these standards ~~((: Properties with or~~
4688 ~~without a livestock management component of a farm management plan that complied~~
4689 ~~with the fencing requirements in effect before January 1, 2005, shall have five years from~~
4690 ~~January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt~~
4691 ~~from fencing under ordinances in effect before January 1, 2005)),~~ provided approved
4692 fencing is present for all type S and F aquatic areas.

4693 G. Buffer areas shall not be subject to public access, use, or dedication by reason
4694 of the establishment of such buffers.

4695 SECTION 85. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby
4696 amended to read as follows:

4697 A. A person who alters a critical area or buffer in violation of law shall undertake
4698 corrective work in compliance with this chapter and K.C.C. ~~((chapter 23.08))~~ Title 23.
4699 When feasible, corrective work shall include restoration of the critical area and buffer.
4700 Corrective work shall be subject to all permits or approvals required for the type of work

undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ~~((buffer))~~ riparian area is altered in violation of this title, restoration of the ~~((stream and buffer))~~ aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced.

E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law.

F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 86. The following are hereby repealed:

A. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

B. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

- 4724 C. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;
4725 D. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;
4726 E. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;
4727 F. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and
4728 G. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

4729 SECTION 87.

4730 A. Attachment A to this ordinance is adopted as amendments to the 2024 King
4731 County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance
4732 2024-0440).

4733 B. The elements of the 2024 King County Comprehensive Plan in Attachment A
4734 to this ordinance are hereby amended to read as set forth in this ordinance and are
4735 incorporated herein by this reference.

4736 C. The elements of the King County Shoreline Master Program in sections 41,
4737 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81,
4738 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and
4739 are incorporated herein by this reference.

4740 SECTION 88. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
4741 20.12.010 are hereby amended to read as follows:

4742 Under the King County Charter, the state Constitution, and the Growth
4743 Management Act, chapter 36.70A RCW, King County adopted the 1994 King County
4744 Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan
4745 for King County until amended, repealed, or superseded. The Comprehensive Plan has
4746 been reviewed and amended multiple times since its adoption in 1994. Amendments to

4747 the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County
4748 Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2023-
4749 0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal
4750 planning document for the orderly physical development of the county and shall be used
4751 to guide subarea plans, functional plans, provision of public facilities and services,
4752 review of proposed incorporations and annexations, development regulations, and land
4753 development decisions.

4754 SECTION 89. The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59,
4755 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this
4756 ordinance to the state Department of Ecology for its approval, as provided in RCW
4757 90.58.090.

4758 SECTION 90. Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71,
4759 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the
4760 shoreline jurisdiction fourteen days after the state Department of Ecology provides
4761 written notice of final action stating that the proposal is approved, in accordance with
4762 RCW 90.58.090. The executive shall provide the written notice of final action to the
4763 clerk of the council.

4764 SECTION 91. Severability. If any provision of this ordinance or its application

4765 to any person or circumstance is held invalid, the remainder of the ordinance or the
4766 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Shannon Braddock, County Executive

Attachments: A. Critical Areas Comprehensive Plan Updates



King County

Critical Areas Comprehensive Plan Update

2025 Update to 2024 King County Comprehensive Plan

December 2024

15 *In Chapter 5 Environment, on page 5-51, amend as follows:*

16

17 ~~((E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a~~
18 ~~wetland complex may be altered to move functions to another wetland as part of an~~
19 ~~approved mitigation plan that is consistent with E-413 and E-414.))~~

20



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

206-263-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

December 5, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that would, if approved, update King County's critical areas regulations, which were last comprehensively updated in 2004. King County began this update in 2022, consulting with Tribes, state and federal agencies, and community partners. As directed under the Revised Code of Washington 36.70A.060, the proposed updates to key elements of the Critical Areas Ordinance (CAO) would establish limits and requirements for development proposed to occur in and around critical areas.

Washington State's Growth Management Act (GMA) sets requirements for local governments when updating their critical areas regulations. Among these are requirements to use best available science (BAS) to protect the functions and values of critical areas and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Where regulations depart from BAS, local governments must provide information and rationale to support the departures, assess the potential risks to critical areas functions and values, and use regulatory and non-regulatory actions to mitigate the risk.

In accordance with Washington Administrative Code 365-195-915, King County has documented our proposed departures from BAS. These departures will help King County to continue to meet the many, sometimes competing, planning goals of the GMA and the King County Comprehensive Plan, such as promoting equity, environmental protection, open space preservation, affordable housing, economic development, property rights, and agriculture.

In developing these proposed regulations, King County staff from the Department of Natural Resources and Parks and Department of Local Services conducted a review of state guidance documents, technical assistance tools, and scientific literature. Inclusion of BAS and an

analysis of proposed departures is documented in the enclosed October 2024 Best Available Science Review and Updates to Critical Areas Protections report.

Key elements of the proposed Ordinance include:

- Increasing riparian area widths for all aquatic areas in rural and urban unincorporated King County.
- Enhancing protections for Category 1 (high conservation value) wetlands, estuarine wetlands, and coastal lagoons.
- Increasing the area required for mitigation when unavoidable impacts are proposed to wetlands, aquatic areas, and riparian areas.
- Establishing new alluvial fan standards that allow flood risk reduction actions in certain circumstances where material has been deposited by rivers.
- Allowing "climate-smart plants" to be used in mitigation and restoration projects, supporting climate resilience.
- Updating provisions for regulatory flexibility for agriculture such as farm field access drives, grazing, and farm-related structures, in portions of critical areas under certain conditions.

Please note that if the King County Council amends Critical Areas Ordinance (CAO) regulations that depart from BAS, the legislative record should be updated or supplemented to identify the departures from BAS, assess risks to critical areas, and provide rationale for departures as required by RCW 36.70A.172 and Washington Administrative Code 365-195-915.

In December 2024, King County completed its statutorily required comprehensive plan update via Proposed Ordinance 2023-0440. 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.

State Environmental Policy Act (SEPA) review of these proposals will be completed by the Executive branch in advance of final action by the King County Council, in coordination with Council central staff.

In 2008, the National Marine Fisheries Service issued a Biological Opinion (BiOp) that required changes to the implementation of the National Flood Insurance Program (NFIP) to meet the requirements of the Endangered Species Act in the Puget Sound watershed. The Federal Emergency Management Agency (FEMA) requires that King County demonstrate compliance with the BiOp in order to maintain eligibility of King County residents for the NFIP. Executive staff will stay in communication with FEMA Region 10 and Council staff about the process and schedule for the FEMA review of the CAO, including review of Council amendments, if any.

The Honorable Dave Upthegrove

December 5, 2024

Page 3

Thank you for your careful consideration of these proposed critical areas policies and regulations. They will help to ensure that our region continues to manage growth effectively while protecting the environment and ensuring continued compliance with the GMA.

If your staff have questions, please contact Leon Richardson, Director, Department of Local Services, at 206-263-3332.

Sincerely,



for

Dow Constantine

King County Executive

Enclosures

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff, King County Council

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Leon Richardson, Director, Department of Local Services

John Taylor, Director, Department of Natural Resources and Parks

Lauren Smith, Director, Regional Planning, Office of Performance, Strategy, and Budget

Ordinance: PO2024-XXXX
 Title: Proposed Ordinance Updating King County's Critical Areas Regulations, 2024
 Affected Agency and/or Agencies: Department of Local Services (DLS)
 Note Prepared By: Robin Proebsting
 Date Prepared: 10/9/2024
 Note Reviewed By: Warren Cheney
 Date Reviewed: 10/31/2024

Description of request:

Proposed Ordinance updating King County's critical areas regulations.

Revenue to:

Agency	Fund Code	Revenue Source	2023-2024	2025-2026	2027-2028
DLS Permitting	1340	n/a	0	0	0
TOTAL			0	0	0

Expenditures from:

Agency	Fund Code	Department	2023-2024	2025-2026	2027-2028
DLS Permitting	1340	DLS	0	0	0
TOTAL			0	0	0

Expenditures by Categories

	2023-2024	2025-2026	2027-2028
TOTAL	0	0	0

Does this legislation require a budget supplemental? No**Notes and Assumptions:**

There are no direct costs associated with this legislation, however, additional requirements may increase the time it takes to process permit applications. DLS Permitting will monitor impacts and may need to adjust staffing in a future budget process.

This proposed ordinance may also impact the cost of some King County capital projects.

Critical Areas Ordinance Review Matrix – LSLU 4/16/25

Note to reader: this matrix is organized topically, rather than the order it would appear in the proposed ordinance.
The table of contents is provided to help locate where topics are.

FINDINGS	1	WETLANDS AND WETLAND BUFFERS	58
CRITICAL AREA CHAPTER PURPOSE AND APPLICABILITY	2	AQUATIC AREAS AND RIPARIAN AREAS	70
GENERAL DEFINITIONS	3	WILDLIFE HABITAT CONSERVATION AREAS	81
GRADING CODE – PERMIT EXEMPTIONS FOR ALTERATIONS	8	AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS	84
CRITICAL AREAS ALLOWED ALTERATIONS.....	15	RURAL STEWARDSHIP PLANS	90
CRITICAL AREA ALTERATION AND REASONABLE USE EXECEPTIONS.....	31	SHORELINE MASTER PROGRAM	97
CRITICAL AREA REVIEW AND REPORT REQUIREMENTS	34	STATE ENVIRONMENTAL POLICY ACT (SEPA) EXEMPTIONS	111
CRITICAL AREA MITIGATION	39	VIOLATIONS.....	111
NOTICE ON TITLE AND CRITICAL AREAS TRACTS.....	42	CONSOLIDATED REVIEW	112
CHANNEL MIGRATION ZONES	44	PLAN UPDATE, CODIFICATION, ECOLOGY APPROVAL, SEVERABILITY.....	112
GEOLOGICALLY HAZARDOUS AREAS	45	PROGRAMMATIC ACTIONS TO COMPLY WITH NO NET LOSS AND BEST AVAILABLE SCIENCE..	114
CRITICAL AQUIFER RECHARGE AREAS (CARAs)	53	2024 KING COUNTY COMPREHENSIVE PLAN UPDATE CRITICAL AREA POLICIES	116

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
FINDINGS			
<u>SECTION 1. Findings:</u> A. The Washington state Growth Management Act ("the 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 XXXX (Proposed Ordinance 2023-0440). 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. C. King County reviewed BAS and updated its critical areas policies and development regulations. The county's current BAS review builds on the county's 2004 BAS review and was informed by the GMA and state guidance documents, updated BAS for critical areas developed by state natural resources agencies, supplemental scientific literature, county experience in implementing critical area regulations since 2004, consideration of the county's unique land use context, and the need to meet sometimes competing GMA goals. D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates and non-regulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk. E. Comprehensive Plan policies, land use designations, zoning classifications, and development regulations work in concert with non-regulatory actions, including land conservation and habitat restoration to ensure no-net loss of critical area functions and values. F. The proposed updates to critical areas regulations have the effect of strengthening protections for critical areas functions and values while advancing the goals of GMA, including the designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County. G. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 9.14, 16.82, 21A.06, 21A.16, 21A.22,	Findings	Provides context for the proposed regulatory changes in the ordinance.	<i>Policy Analysis:</i> • Generally, the Findings capture the requirements of the Growth Management Act, including critical areas protections, best available science, and meeting different policy goals. • As Councilmembers are reviewing the transmittal and considering amendments to the Executive's transmittal, additional or different Findings may be needed. • This proposed ordinance was transmitted prior to the adoption of the 2024 KCCP and does not reflect changes from that ordinance. This matrix focuses on substantive policy changes and does not call out any specific typographic/grammatical fixes, code citations, and engrossing, although Council staff have noted these.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
and 21A.24, and K.C.C. 17.04.010. For the purposes of RCW 70A.355.030, King County declares critical aquifer recharges areas to be environmentally sensitive areas. H. The adoption of this ordinance completes all the requirements of the update required under RCW 36.70A.130.			
CRITICAL AREA CHAPTER PURPOSE AND APPLICABILITY			
K.C.C. 21A.24.010 - States purpose of chapter 21A.24 K.C.C. <u>SECTION 39.</u> Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010 are hereby amended to read as follows: The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 3670A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by: A. Establishing development and alteration standards to protect functions and values of critical areas; B. Protecting members of the general public and public resources and facilities from injury, loss of life, property damage, or financial loss due to flooding, erosion, avalanche, landslides, <u>tsunamis, alluvial fan hazards</u> , seismic and volcanic events, soil subsidence, or steep slope failures; C. Protecting unique, fragile, and valuable elements of the environment including, but not limited to, fish and wildlife and their habitats, ~~((and))~~ while maintaining and promoting countywide native biodiversity; D. <u>Requiring prioritization of avoidance and minimization measures</u> , followed by mitigation of ~~((unavoidable))~~ adverse impacts to critical areas ~~((, by regulating alterations in or near critical areas))~~ and associated buffers; E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground water, wetlands, and aquatic areas; F. Measuring the quantity and quality of <u>wetland and aquatic area</u> resources and <u>preventing overall net loss</u> of wetland ~~and aquatic area~~ functions; G. Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat; H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits; I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas; and J. Providing county officials with sufficient information ~~((to protect))~~ <u>at the time of permit application submittal to determine whether proposed land uses, activities, or development could negatively impact critical areas.</u>	(1) Adds subtypes of critical areas (e.g., tsunamis, alluvial fan hazards). (2) Adds clarifying language, as used throughout the chapter, to state that avoidance and minimization measures are prioritized first before going straight to compensatory mitigation. (3) Technical corrections.	(1) - (2) Updated to ensure internal consistency within the CAO. (3) Formatting and grammatical corrections.	<i>Section Notes:</i> - This section describes the purpose of the critical area code in K.C.C. Chapter 21A.24. <i>Policy Analysis:</i> “prioritization of avoidance and minimization measures, followed by mitigation” refers to a concept known as “mitigation sequencing”, as identified in K.C.C. 21A.24.130 and WAC 365-196-210. This terminology could be made consistent throughout the code. - Council may wish to add “<u>riparian areas</u>” to this subsection. - The code could be updated to reflect state law, which requires “<u>ensuring no net loss</u>”, rather than “preventing overall net loss.” <u>Aquatic area functions</u> are not defined in code, whereas wetland function and stream function are defined. Council may wish to replace the stream function definition, as it is not used anywhere in code, with a new definition for aquatic area functions. - Council may wish to add “and values” after “<u>functions</u>,” consistent with requirements to protect both functions and values.
K.C.C. 21A.24.020 - States applicability of chapter 21A.24 K.C.C. <u>SECTION 40.</u> Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows: A. This chapter applies to all land uses <u>and activities</u> in King County, and all persons within the county shall comply with this chapter. B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter. C. Approval of a development proposal in accordance with this chapter does not discharge the obligation of the applicant to comply with this chapter. D. <u>If an area or site contains more than one critical area or natural resource land use designation, all designations shall apply.</u> E. When ~~((any other chapter))~~ <u>another provision</u> of the King County Code conflicts with this chapter or when the provisions of this chapter are in conflict, the provision that provides ~~((more))~~ <u>greater environmental</u> protection to ~~((environmentally))~~ critical areas <u>shall</u> apply unless specifically provided otherwise in this chapter or unless the provision conflicts with federal or state laws or regulations.	Adds language stating that if an area contains more than one critical area or natural resource land use designation, all designations apply.	Provided for consistency with WAC 365-190-040(7) and (7)(a), the state codes that describe what local governments must regulate.	<i>Section Notes:</i> - Under state law, natural resource lands means agricultural, forest, and mineral resource lands which have long-term commercial significance. <i>Policy Analysis:</i> - No issues identified. <u>This provision</u> is consistent with state law concerning overlapping designations.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~((E.))~~ F. This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC.			
GENERAL DEFINITIONS			
NOTE: definitions for each critical area can be found under their specific critical area topic area			
K.C.C. 21A.06.254 - Defines “Critical area” <u>SECTION 14.</u> Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby amended to read as follows: Critical area: any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas: A. ~~((Aquatic areas;~~ B. ~~Coal mine hazard areas;~~ C.)) Critical aquifer recharge areas; ~~((D. Erosion hazard areas;~~ E. ~~Flood hazard areas;~~ F. ~~Landslide hazard areas;~~ G. ~~Seismic hazard areas;~~ H. ~~Steep slope hazard areas;~~ I. ~~Volcanic hazard areas;~~ J.)) B. Frequently flooded areas, regulated as Flood Hazard Areas, including: 1. Floodplains; 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map; 3. Zero-rise flood fringe; 4. Zero-rise floodways; 5. FEMA floodways; and 6. Channel migration zones; C. Fish and wildlife habitat conservation areas, including: 1. Aquatic areas; 2. Riparian areas; 3. Wildlife habitat conservation areas; and 4. Wildlife habitat networks; D. Geologically hazardous areas, including: 1. Alluvial fan hazard areas; 2. Channel migration zones; 3. Coal mine hazard areas; 4. Erosion hazard areas; 5. Landslide hazard areas; 6. Seismic hazard areas; 7. Steep slope hazard areas; 8. Tsunami hazard areas; and 9. Volcanic hazard areas; and E. Wetlands((; K. ~~Wildlife habitat conservation areas; and~~ L. ~~Wildlife habitat networks)).~~	Reorders listed critical areas.	The list of critical areas in the definition is proposed to be reordered to align with the organization in Chapter 365-190 WAC to make it clear that all of the critical areas in the WAC are addressed by this definition.	<i>Policy Analysis:</i> - A channel migration zone is an existing type of flood hazard area under K.C.C. 21A.06.475. This update includes them also as a geologically hazardous area. There appears to be no general geologically hazardous area regulations these areas would be subject to, if they are to be classified as geologically hazardous areas. This is a policy choice. - Alluvial fan hazard areas are designated as a new critical area under this update, but are also classified as a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying the standards for alluvial fans so that conditions that apply to landslide hazard areas also clearly apply to alluvial fan hazard areas. - Tsunami hazard areas are new critical areas under this update. Under state law, they are designated as seismic hazard areas. They are not required to be designated separately as a critical area under state law. This is a policy choice.
K.C.C. 21A.06.122 - Defines “Buffer” <u>SECTION 10.</u> Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122 are hereby amended to read as follows: Buffer: a designated area adjacent and contiguous to a ((steep slope or landslide hazard area intended to protect slope stability,	Updates definition of “buffer”.	Streamlines definition and uses fewer words to express the same	<i>Policy Analysis:</i> “Adjacent” could be removed, as it is intended to mean the same thing as “contiguous”

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~attenuation of surface water flows and landslide hazards or a designated area contiguous to and intended to protect and be an integral part of an aquatic area or wetland)) critical area that is intended to protect the functions and values of the critical area and reduce impacts from adjacent land uses.~~		meaning as the existing definition.	
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.400 Enhancement. Enhancement: for the purposes of critical area regulation, an action that improves the processes, structure and functions of ecosystems and habitats associated with critical areas or their buffers. (Ord. 15051 § 36, 2004: Ord. 10870 § 120, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.06.750 - Defines “Mitigation” <u>SECTION 26.</u> Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows: Mitigation: an action taken to compensate for <u>unavoidable</u> adverse impacts to the environment resulting from a development activity or alteration <u>after all appropriate and practicable avoidance and minimization measures have been accounted for and implemented.</u>	Adds that mitigation sequencing is required.	Clarified to reflect that mitigation sequencing is also required both by the critical area code and SEPA, as well as to mirror the Department of Ecology definition of compensatory mitigation. The additions also align better with the SEPA definition of mitigation in WAC 197-11-768, which incorporates mitigation sequencing.	<i>Policy Analysis:</i> • This definition is generally consistent with how the State describes mitigation.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 6.</u> 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.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Active nest.”	There are existing critical area code standards regarding active nests, but no definition of this term.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 11.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Climate-smart plants: native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as identified by the department of natural resources and parks.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Climate-smart plants.”	Climate change impacts are making native plants vulnerable to disease and die-offs. King County is proposing to expand the list of allowable plant species for use in restoration and mitigation projects to improve the success rate of wetland restoration and mitigation work and to improve wetland resilience in	<i>Policy Analysis:</i> • Council may wish to make changes to this term for clarity. This could include: 1) calling these “climate-adaptive vegetation” to better reflect the fact that the plants are intended to address changing conditions from climate change and to use the word “vegetation,” which is a defined term, 2) remove or modify “native plant species”, to avoid overlap with “native vegetation”, which is a defined term, below, 3) clarifying surrounding ecoregion, which is intended by Executive staff to mean the ecoregion that the site is in, and/or 4) revise the definition to first list that these plants are identified by DNRP followed the qualifier of where they are endemic.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
		the face of climate change. King County will produce a technical report in the second quarter of 2025 that lists King County Department of Natural Resources and Parks' (DNRP) approved “climate-smart plants” for inclusion in permitted projects.	
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.790 Native vegetation. Native vegetation: plant species indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site. (Ord. 15051 § 79, 2004; Ord. 10870 § 198, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 13.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following: A. Filed IRS Schedule F for a minimum of three years; B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Commercial production of agriculture products.”	New definition of Commercial agriculture is proposed to be added to clarify which operations may receive certain allowances intended only for commercial operations (and not, for example, hobby farms). This definition formalizes existing internal guidance developed by DLS Permitting and the DNRP Agriculture and Forestry Team.	<i>Policy Analysis:</i> • This definition is only used once in the code as a method to provide additional context in another definition, “agricultural activities”. This would narrow the scope of commercial production, which would limit what would be considered an agricultural activity and has implications beyond the critical area regulations. This is a policy choice.
NOT INCLUDED IN PROPOSED ORDINANCE 21A.06.036 Agricultural activities. Agricultural activities: those agricultural uses and practices that pertain directly to the commercial production of agricultural products, including, but not limited to: A. Tilling, discing, planting, seeding, fertilization, composting and other soil amendments and harvesting; B. Grazing, animal mortality management and on-site animal waste storage, disposal and processing; C. Soil conservation practices including dust control, rotating and changing agricultural crops and allowing agricultural lands to lie fallow under local, state or federal conservation programs; D. Maintenance of farm and stock ponds, agricultural drainage, irrigation systems canals and flood control facilities;	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
E. Normal maintenance, operation and repair of existing serviceable equipment, structures, facilities or improved areas, including, but not limited to, fencing, farm access roads and parking; and F. Processing, promotion, sale, storage, packaging and distribution.			
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 15.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within shorelines of the state, and floodplains designated as shorelines of the state in the shoreline master program.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Critical freshwater habitat.”	Adds a definition for this term, which is used in proposed new code provisions.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 17.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Ecological professional: a person having a degree in ecology, wildlife biology, wetland biology, fisheries, botany, soil science, environmental science, natural resource management, or a closely related field, with a minimum of five years of professional experience related to the subject ecological field. Professional certification in a relevant ecological field can be substituted for two years of work experience.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Ecological professional.”	Consolidates and clarifies terms used in the existing code, including "qualified biologist," "ecologist," and "qualified wetland professional." One term, "ecological professional," replacing these, is now proposed for consistency.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.451 - Defines “Farm field access drive” <u>SECTION 19.</u> Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows: <u>Farm field access drive: a((#)) paved or impervious ((surface constructed to provide a fixed)) route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.</u>	Updates definition to describe more specifically what a farm field drive access is.	The definition is proposed to be updated to align with BAS and intends to reduce risk of unmitigated riparian area impacts by limiting what and where a farm field access drive is.	<i>Policy Analysis:</i> • The restriction on where farm field access drives can be located (properties within an Agricultural Production District [APD], enrolled in the Farmland Preservation Program [FPP], or zoned A) is a regulation, rather than what defines a farm field access drive. As proposed, any path that would otherwise meet this definition but is outside of the APD, not enrolled in the FPP, or not zoned A would not be defined or may fall under another term. Council may wish to move the regulation into the standards section.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 20.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Fish and wildlife habitat conservation areas: areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with high population density or species richness. Fish and wildlife habitat conservation areas do not include artificial water carrying features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.	Adds a definition for “Fish and wildlife habitat conversation areas.”	Added to mirror the terminology used in Chapter 365-190 WAC, which sets the guidelines for classifying critical areas.	<i>Policy Analysis:</i> • Fish and wildlife habitat conservation areas are not regulated as their own critical area, and instead are regulated as 1) aquatic areas, 2) riparian areas, 3) wildlife habitat conservation areas, and 4) wildlife habitat networks. This definition does not entirely match the list of areas for consideration under WAC 365-190-130. Executive staff indicate that this was intentional in order to simplify the list, as the missing areas are protected under an existing critical area. The County is obligated to protect the areas

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			in the WAC, regardless of whether they are listed; however, the Council may wish to identify these areas in this new definition for clarity.
21A.06.577 Habitat. Habitat: the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.			<i>Policy Analysis:</i> • This definition is not consistent with the definition in the Comprehensive Plan: “Habitat is the area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space.” Council may wish to consider whether the definitions could be aligned.
K.C.C. 21A.06.1331 - Recodification SECTION 24. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.	Re-orders section.	Reorganized to reflect alphabetical ordering for clarity and readability.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.1331 - Defines “Tree, hazard”. SECTION 25. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are hereby amended to read as follows: (~~(Tree, hazard)~~) <u>Hazard tree</u> : any tree with a structural defect, combination of defects or disease resulting in structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of that tree in a manner that will: A. Damage a residential (~~(structure)~~) <u>building</u> or accessory structure, place of employment or public assembly or <u>approved</u> parking for a residential structure or accessory structure or place of employment or public assembly; B. Damage an <u>approved</u> road or utility facility; or C. Prevent emergency access (~~((in the case of medical hardship))~~).	Updates term to be “Hazard tree.”	"Tree, hazard" changed to "Hazard tree" to make it easier to find in the code and to be consistent with the existing naming convention of "Significant tree".	<i>Policy Analysis:</i> • Council may wish to consider removing “<u>approved</u>”, as parking for the uses listed, a road, or utility facility. The public and users may face the same risk from a hazard tree, regardless of whether the portion of the facility was determined to be approved or not.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Notice of map amendment: a letter issued by the department of natural resources and parks indicating that the classification of a critical area has been changed from the classification shown on a critical areas map adopted by King County. The notice of map amendment may indicate that an area has been reclassified, declassified, or newly classified as a critical area.	Adds definition for “Notice of map amendment.”	Added to complement proposed code standards that provide a pathway to document when a critical area has been reclassified or declassified. An example of this would be: If a site-specific study determines that a site mapped as being within a Category I Critical Aquifer Recharge Area (CARA) is actually within a different type of CARA, or not within a CARA at all, a notice of map amendment would	<i>Policy Analysis:</i> • Council may wish to identify which maps are adopted and subject to this definition for clarity.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
		memorialize this and provide an applicant with documentation of the changed CARA designation.	
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 28.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Revegetation: the reestablishment of vegetation within an area that reflects historic natural conditions or native vegetation types that are well suited to thrive in the area.	Adds definition for “revegetation.”	Clarifies what is meant when this term is used in code, which is that the ground must not be left bare after an alteration to protect from erosion.	<i>Policy Analysis:</i> • Council may wish to consider whether to limit the definition of revegetation to native or historically native plants, as proposed. The requirement to plant native or historically native plants could be included as a standard throughout the code where appropriate, but limiting the definition could potentially conflict with the proposed inclusion of climate-smart plants and may also have unintended consequences for other portions of the code (such as the landscaping code or the grading code) that do not restrict the plants used.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 31.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Special flood hazard area or area of special flood hazard: the land subject to inundation by the base flood. Special flood hazard areas (SFHA or area of special flood hazard) are designated on flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and VE.	Adds definition for "Special flood hazard area."	There are existing regulations for special flood hazard areas, but no definition of this term.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 32.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Species of local importance: a species designated by the county in the Comprehensive Plan to be of local concern due to their population status, sensitivity to habitat alteration, or that are game species.	Adds definition for “Species of local importance.”	There are existing regulations for species of local importance, but no definition of this term.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 38.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Wildlife lighting: measures applied to exterior lighting to reduce impacts to wildlife.	Adds definition for “Wildlife lighting.”	There are existing regulations for wildlife lighting, but no definition of this term.	<i>Policy Analysis:</i> • This definition could be clarified to state wildlife lighting is “exterior lighting designed and installed to reduce impacts to wildlife.”
GRADING CODE – PERMIT EXEMPTIONS FOR ALTERATIONS			
K.C.C. 16.82.051 - Specifies activities that are allowed to be done without obtaining a clearing and grading permit. <u>SECTION 2.</u> 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, 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 shall 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 control. B. The activities in subsection D. of this section are exempted from the requirement of obtaining a clearing or grading permit ((before undertaking forest practices or clearing or grading activities, as long as)), if those activities conducted in critical areas ((are in compliance)) comply with the standards in this chapter and in K.C.C. chapter 21A.24, and are legally established. Activities ((not	(1) Adds clarifying language about which definitions apply to this section and how the exceptions in the table are interpreted when there are multiple conditions	(1) Provides clarity on whether multiple conditions, or just one condition, need to be met for a given activity. (2) Separates alluvial fan hazard areas from landslide hazard areas	<i>Section Notes:</i> • This section describes the situations where a clearing and grading permit is or is not required for an activity in an area. Blank cells in the table indicate that a permit is required, and NP indicate that no permit is required when certain conditions are met. <i>Policy Analysis:</i>

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
requiring)) <u>exempt from a clearing and grading permit are not exempt from other code requirements and</u> may require other permits, including, but not limited to, a floodplain development permit. C. Clearing and grading permit requirement exemptions shall be interpreted as follows: 1. The use of "NP" in a cell means that no clearing or grading permit is required if the listed conditions <u>and any applicable conditions in K.C.C. chapter 21A.24</u> are met; 2. A number in a cell means the numbered condition in subsection E. of this section applies, and: a. where a series of numbers separated by commas are in a cell, each of the numbered conditions for that activity applies; and b. if more than one letter-number combination appears in a cell, <u>the conditions of</u> at least one letter-number combination((s)) shall be met for a given exemption to apply; 3. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required; 4. For activities ((~~involving more than one critical area~~)) <u>where one or more critical areas are present</u>, compliance with the conditions applicable to each critical area is required; and 5. Clearing and grading permits are required when a cell in ((~~this~~)) <u>the table in subsection D. of this section</u> is empty and for activities not listed on the table. D. Clearing and grading permit requirement exemptions.														that apply to a given activity. (2) Adds alluvial fan hazard areas to the clearing and grading exemption table. (3) Combines the landslide hazard area and steep slope hazard area columns. (4) Combines seismic and volcanic hazard areas columns and adds tsunami hazard areas to same column. (5) Adds "NP 13" to newly merged "seismic, volcanic, and tsunami hazard areas" column. (6) Moves "Construction of farm field access drive" and "Maintenance of farm field access drive" activities to Agriculture section of table. (7) Adds "management" to term "farm plan". (8) Updates condition 16 regarding applicability of farm field access roads. Removes condition 16 from applicability to manure storage facilities and applies condition 17. (9) Technical corrections	because area-specific standards based on BAS were developed as part of this update. (3) Consolidates areas into one column because identical standards apply to them. (4) Consolidates areas into one column because identical standards apply to them. (5) Condition 13 is also appropriate for these specific areas. (6) Re-organizes activities by topic, improving usability. (7) Revised to use term "farm management plan" for consistency and to align with term used in Farm Management Plan public rule. (8) Add clarity by providing more precise standards. (9) Formatting and grammatical corrections.	- The Council may wish to consider simplifying this section for ease of reading. This could be accomplished by modifying the table to incorporate the development conditions within the table, simplify the number of columns, or call out critical areas only when specific conditions apply. Alluvial fans hazard areas are proposed to also be a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying this section so that conditions that apply to landslide hazard areas also clearly apply to alluvial fan hazard areas. 4: Wetland buffers and riparian areas are typically protected from human activity. Whether to allow firewood cutting without a permit is a policy choice. Emergency tree removal: these typically do not occur on an immediate or emergency basis unless there is an immediate risk or danger present. Council may wish to add 6, which allows removal to prevent imminent danger to persons or structures, to areas outside of critical areas.
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((Volcanic Hazard))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) <u>Riparian Area</u>	((~~Wildlife Area and Buffer~~)) <u>Wildlife Habitat Area and Wildlife Habitat Network</u>			
ACTIVITY																
Grading and Clearing																
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~NP 1, 2~~))		NP 1, 2						
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~NP 3~~))		NP 3	NP 4 ((~~NP 23~~))	NP 4 ((~~NP 23~~))				
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~NP 5~~))	NP 5	NP 5	NP 5	NP 5	NP 5			
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~NP 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 25~~))		NP 25						
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP			
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~NP 7~~))	<u>NP 8</u>	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 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 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10			
Roads																

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((NP 11))	((NP 11))	NP 11			NP 11			
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((NP 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	((NP 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	((NP 13, 14, 15))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15			
((Construction of farm field access drive))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))	((NP 16))			
((Maintenance of farm field access drive))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))	((NP 17))			
Utilities																
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((NP 19))	NP 19	NP 18	NP 19	NP 19	NP 19			
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 NP 28		NP 1, 2, 3				NP 1, 2, 3	((NP 1, 2, 3))		NP 1, 2, 3						
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((NP 11))	NP 11	NP 11	NP 11	NP 11	NP 11			
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	((NP 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	((NP 20))	NP 20	NP 20	NP 20	NP 20	NP 20			
Maintenance or repair of existing	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP 11	NP 11	NP			

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
instream structure																
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	((NP 13))	NP 13	NP 13	NP 13	NP 13	NP 13			
Habitat and science projects																
Habitat ((restoration)) creation or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((NP 21))	NP 21	NP	NP 21	NP 21	NP 21			
Drilling and testing for critical areas((s)) report or monitoring and data collection	NP 1, 2, 22	NP 1, 2, 22	NP 1, 2, 22	NP 22	NP 22	NP 22	NP 1, 2, 22	((NP 1, 2, 22))	NP 22	NP 1, 2, 22	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	((NP))	NP	NP	NP	NP	NP			
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP			
Construction and maintenance of livestock manure storage facility	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17		NP ((16)) 17	((NP 16))		NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17			
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP 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	((NP 26))	NP 26	NP 26	NP 26	NP 26	NP 26			
Maintenance of farm pond,	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP 15))	NP 15	NP 15	NP 15	NP 15	NP 15			

- Drilling and testing for critical area reports or monitoring and data collection: The conditions for this alteration could be made consistent with the critical area alteration table in K.C.C. 21A.24.045, which specifies the limited activities allowed to occur with scientific data collection.
- 2: It is unclear why this condition, which allows up to 2,000 square feet of new or replaced impervious surface would be allowed for critical area testing.
- 17: requires a farm management plan. Council may wish to add a reference or align this standard with the requirements in K.C.C. 21A.24.045, which includes requirements such as preserving native vegetation and installation of best management practices for new or expanded activities.
- Construction of a private drive on a non-agricultural property would require a clearing and grading permit, whereas a permit is not required for a farm field access drive. Allowing new livestock manure storage facilities and farm field access drives, without a clearing and grading permit, in a wetland, wetland buffer, aquatic area, or riparian area could potentially introduce pollutants, new impervious surface or pavement, or environmental degradation in these critical areas. Under Ecology’s guidance, agricultural uses are considered to be “high impact.” As proposed, these uses would only be allowed when an alternate location is not available to provide less adverse impact.

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
fish pond, livestock watering pond																The code does not identify a minimum distance or buffer for these uses (for comparison, grazing area buffers limit how close animals can be to an aquatic area or wetland) leaving some discretion to reviewers on how close these uses may be located. Whether or to require a clearing and grading permit, establish a maximum size exemption threshold, allow these uses in certain critical areas, or limit what portion of a critical area they could be located, are policy choices.
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16			
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17			
Other																
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP			
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((NP))	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	((NP))	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	((NP))	NP 13	NP 13	NP 13	NP 13	NP 13			
E. The following conditions apply: - Excavation less than five feet in vertical depth((;)) or fill less than three feet in vertical depth that, cumulatively on a single site since January 1, 2005, does not involve more than one hundred cubic yards on a single site. - Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020. - Cumulative clearing of less than seven thousand square feet on a single site since January 1, 2005, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals: - regulated as a Class IV forest practice under chapter 76.09 RCW; - in a critical drainage areas established by administrative rules; - subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or - subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A. - Not allowed within a wetland, aquatic area, or a tree containing an active nest. Otherwise, allowed for ((€))cutting firewood for personal use in accordance with a forest management plan ((or rural stewardship plan)) approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood. - Limited to material at any solid waste facility operated by King County. - Allowed to prevent imminent danger to persons or structures. - Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan((;)) or forest management plan((; or rural stewardship plan)). - Cumulative clearing on a single site since January 1, 2005, of less than seven thousand square feet and either: - conducted in accordance with a farm management plan((;)) or a forest management plan((; or a rural stewardship plan)); or - limited to removal with hand labor. - When conducted as a Class I, II, III, or IV-S forest practice as defined in chapter 76.09 RCW and Title 222 WAC. - If done in compliance with K.C.C. 16.82.065.																4: Wetland buffers and riparian areas are typically protected from human activity. Whether to allow firewood cutting without a permit is a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection E.11., "new impervious surface" is defined in K.C.C. 9.04.020. 12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve: a. slope stabilization or vegetation removal on slopes; or b. ditches that are used by ~~((salmonids))~~ fish. 13. In conjunction with normal and routine maintenance activities, if: a. there is no alteration of a ditch or aquatic area that is used by ~~((salmonids fish:))~~ fish; b. ~~((the structure, condition, or site maintained was constructed or created in accordance with law; and~~ ~~e.))~~ the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert, or other improved area being maintained; <u>and</u> <u>c. the maintenance does not involve the use of herbicides or other hazardous substances within critical areas or associated buffers, except for the removal of noxious weeds or invasive vegetation.</u> 14. If a culvert is used by ~~((salmonids))~~ fish or conveys water used by ~~((salmonids))~~ fish and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and ~~((its))~~ associated inlet, invert, and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet. 15. If used by salmonids, only in compliance with an adopted farm <u>management</u> plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife. 16. Only on sites with agricultural activities uses if: <u>a. consistent with an adopted farm management plan in accordance with K.C.C. Title 21A((-));</u> <u>b. constructed using best management practices approved by the permitting division;</u> <u>c. access is not greater than fourteen feet wide;</u> <u>d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers;</u> <u>e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual;</u> <u>f. located where it is least subject to risk from channel migration;</u> <u>g. a floodplain development permit is obtained for any action within the floodplain; and</u> <u>h. all other required state and federal permits have been obtained and actions comply with these permits.</u> 17. Only if consistent with <u>an adopted farm management plan in compliance with K.C.C. Title 21A.</u> 18. In accordance with a right-of-way construction permit. 19. Only within the roadway in accordance with a right-of-way construction permit. 20. When: a. conducted by a public agency; b. the height of the facility is not increased; c. the linear length of the facility is not increased; d. the footprint of the facility is not expanded waterward; e. done in accordance with the Regional Road Maintenance Guidelines; f. done in accordance with the adopted King County Flood Management Plan and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002); and g. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department. 21. Only if: a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation((-)), and ~~((b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and the activity is))~~ limited to((-))			• 16: This condition applies to when farm field access drives are not required to obtain a grading permit. The criteria for this condition are similar, but not identical, to the criteria for farm field access drives in K.C.C. 21A.24.045. These could be made consistent for clarity. • 16: Not requiring a grading permit for constructing a farm field access drives is a policy choice. There are no limitations on impervious surface, length, or area of a farm field access drive in regards to a permit exemption. Farm field access drives are required to meet the King County Surface Water Design Manual, which establishes requirements on surface water dispersion. Farm management plans are created and administered by KCD. DNRP reviews these plans when there are certain benefits (such as PBRS) are sought. Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
((+)) revegetation of the critical area and ((#)) <u>associated buffer with native vegetation or climate-smart plants</u>, or the removal of noxious weeds or invasive vegetation <u>using only hand labor</u>; or b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and limited to: (1) <u>revegetation of the critical area and associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation</u>; (2) placement of weirs, log controls, spawning gravel, ((woody debris)) <u>large wood</u>, and other specific ((salmonid)) <u>fish habitat improvements</u>; <u>and</u> (3) hand labor except: (a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or (b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or ((#)) <u>associated buffer</u>. 22. If done with hand equipment((and)), does not involve any clearing, <u>and equipment is not left in the critical area or associated buffer when work is concluded</u>. 23. Limited to tree and vegetation clearing for the purposes of wildfire preparedness, except tree and vegetation clearing subject to K.C.C. 16.82.156, ((#)) K.C.C. Title 21A, or otherwise requiring a permit, including, but not limited to, alterations within critical areas, as follows: a. Within thirty feet of a residential structure containing habitable space, the following is allowed: (1) vegetation removal: (a) within fifteen feet of the furthest attached exterior point of a residential structure containing habitable space or a deck; (b) within ten feet of an installed above ground propane or liquefied petroleum gas tank; and (c) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels; and (2) removal and pruning of trees to provide: (a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height; (b) fifteen feet of clearance over driveways for emergency vehicle access; (c) eighteen feet between tree crowns; and (d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied petroleum gas tanks, overhead communication cables, overhead electrical wires, or other structures; and b. All activities in subsection E.23.a. of this section are also allowed up to one hundred feet from a residential structure containing habitable space if such clearing is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk, except ((as follows:)) <u>that</u> ((+)) removal and pruning of trees to provide clearance between tree crowns is limited to providing: ((#)) (1) <u>twelve feet between tree crowns</u>((, when)) <u>located more than thirty feet and up to sixty feet</u> ((#)) <u>from a residential structure containing habitable space</u>; and ((#)) (2) <u>six feet between tree crowns</u>((, when)) <u>located more than sixty feet and up to one hundred feet</u> ((#)) <u>from a residential structure containing habitable space</u>. 24. Limited to the removal of downed trees. 25. Except on properties that are: a. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or b. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156. 26. Only if allowed under K.C.C. 21A.24.045.D.69. 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. Pruning of trees to provide up to ten feet of clearance from overhead communication cables and electrical wire components of utility facilities, if:			management plans in order to receive this grading permit exemption.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
a. ~~((no))~~ <u>all</u> debris is ~~((left))~~ <u>removed</u> following the pruning activity; b. authorized by a right-of-way construction permit; c. pruning activities around overhead electrical facilities do not extend fifteen feet beyond the right-of-way; and d. any work is approved by the property owner. 28. Tree and vegetation clearing, except for overhead facilities in subsection E.27. of this section, and except for tree and vegetation clearing subject to K.C.C. 16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows: a. Up to thirty feet measured horizontally from the utility facility structure, the following is allowed: (1) vegetation removal: (a) within fifteen feet of the furthest attached exterior point of a structure; and (b) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels; (2) removal and pruning of trees to provide: (a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height; (b) fifteen feet of clearance over driveways for emergency vehicle access; (c) eighteen feet between tree crowns; and (d) ten feet between tree crowns and structures; and (3) the screening function of any landscaping planted to provide screening in K.C.C. chapter 21A.16 is maintained; and b. All of the activities in subsection E.28.a. of this section are also allowed up to one hundred feet measured horizontally from the utility facility structure if such clearing activity is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks and that includes best management practices to reduce wildfire risks, except that removal and pruning of trees to provide clearance between tree crowns is limited to providing: (1) twelve feet between tree crowns, when more than thirty feet and up to sixty feet measured horizontally from a utility facility structure; and (2) six feet between tree crowns, when more than sixty feet and up to one hundred feet measured horizontally from a utility facility structure.			
CRITICAL AREAS ALLOWED ALTERATIONS			
K.C.C. 21A.24.045.A., B., and C. - Lists allowed alterations for the different types of critical areas. <u>SECTION 41.</u> 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 ~~((all))~~ alterations are allowed if the alteration complies with the development standards, <u>and prioritizes impact avoidance and minimization measures, ((and)) followed by mitigation requirements and other applicable requirements established in this chapter:</u> 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. <u>Landslide hazard areas under forty percent slope;</u> 6. Seismic hazard areas; ~~((and))~~ 7. <u>Tsunami hazard areas; and</u> 8. 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))~~ <u>in</u> 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, <u>and prioritizes impact avoidance and minimization measures, ((and)) followed by mitigation requirements and other applicable requirements established in this chapter:</u> 1. ~~((Severe channel migration hazard area))~~ <u>Alluvial fan hazard areas;</u> 2. ~~((Landslide hazard area over forty percent slope))~~ <u>Aquatic areas;</u> 3. ~~((Steep slope hazard area))~~ <u>Landslide hazard areas over forty percent slope;</u> 4. ~~((Wetland))~~ <u>Riparian areas;</u> 5. ~~((Aquatic area))~~ <u>Severe channel migration hazard areas;</u>	(1) Adds new subtypes of critical areas designated in the CAO to the section, noting which alterations are allowed for which types of critical areas. (2) Moved some rows in the table to group similar activities together. (3) Alluvial fan hazard area column added to table, with BAS-informed conditions added for each activity. (4) Updated some allowed alterations and conditions.	(1) Ensures clarity regarding the standards that apply to each critical area subtype. (2) Improves reader ability to find the relevant allowed alteration by grouping similar activities together. (3) Adds standards for the Alluvial fan hazard area subtype. (4) Maintains internal consistency.	<i>Section Notes:</i> • This section identifies what alterations are permitted in specific critical areas. Generally, all alterations are allowed in critical areas listed under Subsection A. Under Subsection B., only specific alterations in the table are allowed in specific critical areas. <i>Policy Analysis:</i> • <u>Subsection A. and B.</u> could be streamlined for clarity. • <u>Tsunami hazard areas</u> are new critical areas under this update. Under state law, they are designated as seismic hazard areas. They are not required to be designated separately as a critical area under state law. This is a policy choice. • <u>Alluvial fan hazard areas</u> are proposed to also be a landslide hazard area, subject to

Code							Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
6. ~~((Wildlife habitat conservation area; and))~~ <u>Steep slope hazard areas;</u> 7. ~~((Wildlife habitat network))~~ <u>Wetlands;</u> 8. <u>Wildlife habitat conservation areas; and</u> 9. <u>Wildlife habitat networks.</u> C. In the following table where an activity is included in more than one activity category, the numbered conditions applicable to the most specific description of the activity governs. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.									the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying this section so that conditions that apply to landslide hazard areas (for both slopes under and over 40%) also clearly apply to alluvial fan hazard areas. • “Landslide hazard areas over 40% and buffer” and “steep slope hazard areas and buffer” have nearly identical conditions. These columns could be combined with any specific conditions to those areas narrowed. • 1 would allow a farm residence to be constructed in a grazed or tilled wet meadow, which is a type of wetland, subject to certain conditions. This is a policy choice to allow these residences in wetlands. • 5, 6, 7, 8. As written, would be difficult for an applicant to follow what types of activities are allowed in each of these critical areas, as the conditions read as having overlap and nuanced requirements. Council may wish to clarify the conditions. • 10 and 11 could be combined into one condition, as they only apply to the same areas. • 12 is in the wetland and buffer column, but the condition only applies to lakes. • 13, 15, 70: 70 limits work in alluvial fans to emergency situations. However, 13 allows work to regrade and stabilize slopes from legal grading activity and 15 also appears to be more permissive than 70. Executive staff indicate that deleting 13 and 15 would meet the Executive’s intent. • If 14 is repealed as proposed, it should be removed in the table.
A= ~~((alteration))~~ <u>Alteration</u> is allowed. Numbers indicate applicable development condition in subsection D. of this section.	Landslide Hazard Areas Over 40% and Buffer	<u>Alluvial Fan Hazard Areas</u>	Steep Slope Hazard Areas and Buffer	Wetland and Buffer	Aquatic Areas ~~((and Buffer))~~ , <u>Riparian Areas</u> , and Severe Channel Migration Hazard Areas	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	A 64	A 64			
~~((Construction of nonresidential structure))~~				~~((A-3))~~	~~((A-3))~~	~~((A-3, 4))~~			
Maintenance or repair of existing structure	A 5	<u>A 5, 6</u>	A <u>5</u>	A	A	A 4			
Expansion or replacement of existing structure	A 5, 7	<u>A 5, 6, 7</u>	A <u>5, 7</u>	A 7, 8	A <u>6, 7, 8</u>	A 4, <u>7, 8</u>			
Interior remodeling	A		A	A	A	A			
Construction of new dock or pier				A 9	A 9, <u>10, 11</u>				
Maintenance, repair or replacement of dock or pier				A 12	A <u>10, 11</u>	A 4			
Grading									
Grading		<u>A 13, 15, 70</u>	A 13		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</u> , 16	<u>A 15, 16</u>	A ~~((13))~~ <u>15, 16</u>	A <u>16</u> , 17	A 16, 17	A 4			
Mineral extraction	A		A						
Clearing									
Clearing	A 18	<u>A 18</u>	A 18	A 18, 20	A 14, 18, 20	A 4, ~~((14,))~~ 18, 20			
Cutting firewood		<u>A 21</u>	A 21	A 21	A 21	A 4, 21			
<u>Vegetation management</u>	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19			
~~((Removal of vegetation for fire safety))~~ <u>Tree and vegetation clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	A 22	A 22	A 22	A 4, 22			

Code							Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Removal of noxious weeds or invasive vegetation	A 23	<u>A 23</u>	A 23	A 23	A 23	A 4, 23			Vegetation management is not a defined alteration and could fall under the activities listed under clearing (“the removal of vegetation or organic plant material by physical, mechanical, chemical or other similar means”). Executive staff state “It may technically involve some ‘clearing’ but only what is necessary for the listed goal, and not just to create an area devoid of vegetation.” Council staff is unclear about the differences between these two activities. The Council may wish to address the differences between these alterations for clarity. 26: a new road through a wetland or its buffer, aquatic area, or riparian area for a new subdivision may alter a critical area and result in net loss of environmental function. Executive staff indicate that “avoidance, minimization, and mitigation still must be applied, but linear access impacts are generally limited in scope, and the critical areas impacted are already close to an existing road (i.e. not pristine).” Given the priority on protecting critical areas throughout the code, and the limitations other alterations, Council may wish to consider whether allowing new roads for subdivisions in wetlands and their buffers, aquatic areas, and riparian areas is appropriate to protect against no net loss without requiring a reasonable use or alteration exception. 26: Within a moderate channel migration hazard area, access to lots in a subdivision cannot cross the moderate channel migration hazard area (page 45 of this matrix). However, private roads for a plat are allowed in a severe channel migration hazard area, which is more susceptible to channel migration. This is a policy choice. 34 and 35 were erroneously added to this column and could be removed.
Forest Practices									
Forest management activity	A	<u>A</u>	A	A	A	A 25			
Roads									
Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26				
Construction of new road in a plat				A 26	A 26				
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27			
Expansion beyond public road right-of way structure	A	<u>A 26</u>	A	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 private access road	A 28	<u>A 28, 70</u>	A 28	A 28	A 28	A 28			
~~((Construction of farm field access drive))~~	~~((A 29))~~		~~((A 29))~~	~~((A 29))~~	~~((A 29))~~	~~((A 29))~~			
Maintenance of driveway, private access road, ~~((farm field access drive))~~ or parking lot	A	<u>A 17</u>	A	A 17	A 17	A 17, 27			
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 39, 70</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 16, 39	A 4, 16, 39			
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16	A 16	A 16, 30	A 16, 27			
Expansion of bridge or culvert	A 16, 17	<u>A 16, 17, 31</u>	A 16, 17	A 16, 17, 31	A <u>16</u> , 17, 31	A ~~((4))~~ 27			
Utilities and other infrastructure									
Construction of new utility corridor or utility facility	A 32, 33	<u>A 32, 33, 34</u>	A 32, 33, 34, 35	A 32, 34	A 32, 34	A 4, 27 , 32, 35			
Construction or maintenance of a hydroelectric ~~((generating))~~ <u>generation</u> facility	A 67	<u>A 66, 67</u>	A 67	A 66	A 66	A 4, 66			
Construction of a new residential utility service distribution line	A 32, 33	<u>A 32, 33, 60</u>	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60			
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	<u>A 32, 33</u>	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37			
Construction of a new on-site sewage disposal system or well	~~((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			

Code							Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24	A 24, 37	A 24, 37	A 4, 24, 37			4 is added, and would prohibit clearing, external construction or other disturbances during breeding seasons, whereas 27 would limit this machinery to “the maximum extent practicable.” These two notes pose a conflict (one prohibiting work, and one allowing some work if no other option is available). Council may wish to clarify what is allowed. 38 is allowed for the construction of new systems. Council may wish to apply the same conditions to maintenance. 16 refers to regional road construction and maintenance guidelines. This note could be removed to match the Executive’s intent. - Alluvial fans are considered as a type of geologically hazardous area. Although they are adjacent to stream channels at the base of slopes, they are not the same as a riparian area, aquatic area, or severe channel migration hazard area. Where an alluvial fan overlaps with another critical area, all applicable conditions would apply. Council may wish to consider removing notes that do not specifically cover alluvial fans to reduce confusion. - The proposed ordinance would allow livestock activities to occur outside of native vegetated areas in wetlands, wetland buffers, riparian areas, aquatic areas, severe channel migration zones, wildlife habitat networks, and wildlife conservation areas, subject to limitations and conditions summarized below. New and expanded grazing areas would be subject to grazing area buffers between 0 and 50 feet (see the discussion on these on page 86). Livestock manure management facilities and livestock heavy use areas do not appear to have a numeric buffer, except that 20 feet of vegetation is required downslope of a Type S, F and N aquatic area. Whether to allow these activities in critical areas or buffers
Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, 33	A 32, 38	A 32, 38	A 4			
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68				
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 32, 33	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37			
Construction of new surface water flow control or surface water quality treatment facility		A 32		A 32	A 32	A 4, 32			
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16			
Construction of new flood protection facility		A 16, 42		A 42	A 42	A 27, 42			
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A 33, 43	A 43	A 43	A 27, 43			
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61			
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45			
Maintenance or repair of existing instream structure	A 16	A 16	A	A	A	A 4			
Recreation									
Construction of new trail	A 46	A 46, 47	A 46	A 47	A 47	A 4, 47			
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48			
Habitat, education, and science projects									
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49			
Scientific sampling for salmonids		A 50		A 50	A 50	A 50			
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51, 52	A 51, 52	A 4			
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62			
Agriculture									
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54			
Grazing livestock	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54			

Code							Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Construction or maintenance of a commercial fish farm				A 53, 54	A 53, 54	A 53, 54			and to what extent they may be in a critical area is a policy choice. 53: Generally speaking, activities in existence since 1/1/2005 would be permitted to continue with no expansion. 54: New and expansion of livestock in these areas would be permitted on properties predominately used for agricultural activities, on areas without predominantly native vegetation, subject to grazing area buffers (0 to 50 feet), a farm management plan, and other requirements. Agricultural activities includes the growing of crops and livestock, but also includes activities such as processing, warehousing, or storage. It is unclear if this is consistent with the BAS report, which indicates that the full buffer widths in K.C.C. 21A.24.358, ranging from 50 to 200 feet, “would apply if new grazing areas were proposed in critical areas that haven’t previously been converted for agricultural use” (page 97, BAS). Executive staff indicate that the code is intended to support the GMA goals around agriculture. 55: Allows the construction of a livestock manure storage facility or livestock heavy use area in grazed or tilled wet meadow wetlands, provided a farm management plan is provided, there is no other alternative elsewhere on the site, and it is located as far away from the wetland as possible. There is no minimum buffer requirement. 56: Allows the construction of a livestock manure storage facility or livestock heavy use area in a severe channel migration hazard area outside of the shoreline jurisdiction or in a grazed or tilled riparian area, provided adverse impacts are minimized, there is no other feasible location, a farm management plan is
Construction or maintenance of livestock manure storage facility				A 53, 54, 55	A 53, 54, ((55,)) 56	A 53, 54			
Construction of a livestock heavy use area				A 53, 54, 55	A 53, 54, ((55,)) 56	A 53, 54			
Construction or maintenance of a farm pad				A 56	A 56				
Construction of agricultural drainage				A 57	A 57	A 4, 57			
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 53, 54, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58			
Maintenance of agricultural waterway		A 69		A 69	A 69				
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((A-53))	A 53, 54	((A-53))	A 53, 54	A 53, 54	A 53, 54			
Construction or maintenance of farm field access drive	A 29	A 29	A 29	A 29	A 29	A 29			
Construction of nonresidential structure		A 3		A 3	A 3	A 3, 4			
Other									
Shoreline water dependent or shoreline water oriented use					A 65				
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A			
Maintenance of cemetery graves	A	A	A	A	A	A			
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	A 59	A 59	A 59	A 59	A 59			
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			provided, and it is located where it is least subject to channel migration.
K.C.C. 21A.24.045.D - Lists conditions for each of allowed alterations. D. The following alteration conditions apply: 1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section. 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:~~ ~~a. at least seventy five percent of the lots abutting the shoreline of the lake or seventy five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;~~ ~~b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;~~ ~~c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;~~ ~~d. access is located to have the least adverse impact on the critical area and critical area buffer;~~ ~~e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;~~ ~~f. the alteration is no closer than:~~ ~~(1) on a site with a shoreline environment designation of high intensity or 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~~ <del>g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.))</del>~~-Repealed.~~ 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows, ~~((or))~~ <u>wetland</u> buffers ~~((of wetlands))~~, or ~~((aquatic))~~ <u>riparian</u> areas where: a. the site is predominantly used for the practice of ~~((agriculture))~~ agricultural activities; b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; c. the structure is either: (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production; (2) higher in elevation and no closer to the critical area than its existing position; or (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan; d. all best management practices associated with the structure specified in the farm management plan are installed and maintained; e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and f. in <u>an alluvial fan hazard area or a</u> severe channel migration hazard area ~~((portion of an aquatic buffer only))~~ if: (1) there is no feasible alternative location on-site; (2) the structure is located where it is least subject to risk from <u>alluvial fan hazards or</u> channel migration; (3) the structure is not used to house animals or store hazardous substances; and (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site. 4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 5. Allowed for structures when:	(1) Adds Alluvial fan hazard area to condition language where appropriate. (2) Updates allowance for expansion or replacement of existing structure to be in a critical area, buffer, or critical area setback, not just grazed wet meadows or critical area setbacks. (3) Provides more specific conditions under which tree and vegetation clearing for the purposes of wildfire preparedness is allowed. (4) Clarifies conditions under which construction or maintenance of farm field access drives is allowed. (5) Expands the construction of a new trail allowance to allow impervious materials for public trails constructed for access by persons with disabilities. Limits the construction of a new trail allowance to allow private trails to be a maximum of three feet wide. Requires that trail routes	(1) Added Alluvial fan hazard area standards specific to these areas instead of regulating them the same way as landslide hazard areas to provide critical area-appropriate standards. (2) "Grazed wet meadows" is proposed to be replaced with "critical area" to reflect that this is an existing allowed alteration for all critical areas, as shown in the allowed alterations table and to align with current practice. (3) Tree and vegetation clearing for the purposes of wildfire preparedness updated to provide more specific conditions than "best management practices," as used in existing code. Updated, more specific conditions provide clarity to code users and align standards with policy intent. (4) Farm field access drive conditions are proposed to be	<i>Section Notes:</i> - The numbers in this section correspond to the table above. These numbers are conditions that limit, restrict, or place conditions on alterations in specific critical areas. <i>Policy Analysis: see following pages. The location of the policy analysis in this column align with the location of the condition.</i> 3: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. This is a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
a. the landslide hazard, <u>steep slope hazard</u>, or <u>alluvial fan hazard</u> poses little ~~((or))~~ to no risk of injury; b. the <u>hazard risks</u> ~~((of landsliding is))~~ from <u>landslides</u>, <u>steep slopes</u>, or <u>alluvial fans</u> are low; and c. there is no~~((+an))~~ expansion of the structure. 6. Within an <u>alluvial fan hazard area</u> or severe channel migration hazard area allowed for: a. existing legally established primary structures if: (1) there is not an increase of the footprint of any existing structure; and (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and b. existing legally established accessory structures if: (1) additions to the footprint will not make the total footprint of all existing structures more than one~~((-))~~ thousand square feet; and (2) there is no~~((+an))~~ expansion of the footprint towards any source of <u>alluvial fan hazard</u> or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area. 7. <u>Allowed only in ((grazed wet meadows or the)) a critical area, associated buffer, or ((building)) critical area setback outside a severe channel migration hazard area</u> if: a. the expansion or replacement does not increase the footprint of a nonresidential structure; b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and ~~((its))~~ <u>associated</u> buffer; (2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not result in a cumulative increase in the footprint of the accessory structure and the dwelling unit by more than one thousand square feet; (3) the location of the expansion has the least adverse impact on the critical area; and (4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative plants and replacement with native vegetation <u>or climate-smart plants</u> in accordance with an approved ~~((landscaping))~~ <u>mitigation</u> plan; c. <u>the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception</u>; d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area; and e. The expansion of a residential structure in ~~((the buffer of))~~ <u>a riparian area adjacent to a ((T))</u>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 if: a. except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area; b. except as otherwise allowed under subsection D.7. of this section, the existing impervious surface within the critical area or buffer is not expanded; and c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation <u>or climate-smart plants</u> in accordance with an approved ~~((landscaping))~~ <u>mitigation</u> plan. 9. <u>Limited to piers or seasonal floating docks</u> in a category II, III, or IV wetland or ~~((its))~~ <u>associated</u> buffer or along a lake shoreline or ~~((its buffer))~~ <u>the adjacent riparian area</u> where: a. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law; b. the wetland or lake shoreline is not a salmonid spawning area; c. hazardous substances or toxic materials are not used; and d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C. 21A.25.180. 10. Allowed on type N or O aquatic areas if <u>hazardous substances or toxic materials are not used</u>.	minimize impacts to riparian areas and wildlife habitat networks. Limits the methods by which trails may be maintained in aquatic areas, riparian areas, or wetlands or their buffers. (6) Expands the types of organizations that may do construction of new instream structure or instream work. (7) Allows use of climate-smart plants for revegetation where native vegetation is allowed. (8) Adds conditions for 1) construction of driveway or private access road, 2) construction of a bridge or culvert as part of a driveway or private access road, and 3) grading when proposed in an alluvial fan hazard area. (9) Changes references of "aquatic area buffers" to "riparian areas." (10) Removes reference to rural stewardship plans. (11) Removes Condition 2. (12) Removes Condition 14.	updated as part of Riparian BAS review to reduce ambiguity about where this condition applies as well as limit how/when the County allows an unmitigated impact to riparian areas and other critical areas. (5) New trail conditions updated to acknowledge that public trails are commonly located in riparian areas for water access, visual enjoyment, and connection to other recreational amenities. These conditions were also updated to acknowledge the County's responsibility to provide equitable access in addition to protecting critical areas. Private trail limit applied for clarity and consistency with shoreline code. (6) Expanding the types of organizations allowed to conduct instream work was intended to facilitate restoration work that will result in a gain in ecological function.	• 7: The allowance to expand or replace existing buildings would be broadened from only grazed wet meadows or the critical area setback outside a severe channel migration zone to any critical area, associated buffer, or critical area setback, subject to conditions. This would provide more flexibility to property owners to make changes on their property but would support the ongoing use of structures in critical areas and buffers. This is a policy choice. • 7.c.: A structure that receives an alteration exception, variance, reasonable use exception, or buffer averaging would not be allowed to be replaced or expanded. ○ Council may wish to consider if there are instances where small expansions or replacements may be appropriate, such as those that do not change a building footprint, those less than a certain size, and/or those located away from a critical area or buffer. ○ Council may wish to consider if there is a policy difference for replacing structures in critical areas or buffers that were permitted with or without buffer averaging. If a buffer width was increased in the future and an existing structure fell within that new buffer, that structure 1) could be replaced or expanded subject to conditions if it previously did not have buffer averaging, or 2) prohibited from replacement or expansion if it was established using buffer averaging. • 9 could be clarified to say that the condition itself only applies to lake shorelines, not that piers and docks are allowed only in the lake shoreline. • 10 could be modified to also prohibit hazardous substances and toxic materials.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180. 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180. 13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity. 14. ~~((The following are allowed in the severe channel migration hazard area if 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.)) Repealed.~~ 15. Only where erosion or landsliding threatens a <u>primary</u> structure, utility facility, roadway, driveway, <u>or</u> public trails, ~~((aquatic area or wetland if,))~~ <u>and</u> to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas. 16. Allowed ~~((when))~~ <u>for projects</u> performed by, at the direction of, <u>or</u> authorized by a government agency in accordance with regional road <u>construction and</u> maintenance guidelines. 17. Allowed ~~((when))~~ <u>for projects</u> not performed under the direction of a government agency only if: a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, <u>or</u> other liquid oily substances in aquatic areas, <u>riparian areas</u>, wetlands, <u>or</u> ~~((their))~~ <u>associated</u> buffers; and b. when maintenance, expansion, <u>or</u> replacement of bridges or culverts involves water used by salmonids: (1) the work ~~((is in compliance))~~ <u>complies</u> with ditch standards in public rule; and (2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet. 18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes. 19. The limited trimming, pruning, <u>or</u> removal of vegetation under a vegetation management plan approved by the department: a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and b. in all critical areas for habitat enhancement, invasive species control, <u>or</u> forest management activities. 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, <u>or</u> fruits, for restoration and enhancement projects is allowed. 21. Cutting of firewood is subject to the following: a. <u>not allowed</u> within a wildlife habitat conservation area, <u>wetland</u>, <u>aquatic area</u>, <u>steep slope hazard area</u>, <u>or on a tree containing an active nest</u> ~~((cutting firewood is not allowed))~~; b. within a wildlife <u>habitat</u> network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386; and c. <u>when firewood is for personal use, cutting is allowed</u> within ~~((a))~~ <u>critical areas and critical area buffers</u>~~((, cutting shall be for personal use and))~~ <u>when done</u> 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))~~ <u>Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.</u> 23. Allowed as follows: a. if conducted in accordance with an approved forest management plan~~((;))~~ <u>or</u> farm management plan~~((, or rural stewardship plan))~~; or b. without an approved forest management plan~~((;))~~ <u>or</u> farm management plan~~((, or rural stewardship plan))~~, only if: (1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, <u>or</u> herbicides or biological control methods; (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds; (3) the cleared area is revegetated with native vegetation <u>or climate-smart plants</u> and stabilized against erosion; and (4) herbicide use is in accordance with federal and state law~~((;))~~.	(13) Technical corrections.	(7) Allowing the use of climate-smart plants for site restoration and mitigation encourages the long-term success of these projects. (8) Adding conditions for construction within alluvial fan hazard areas establishes a permitting pathway for emergency work in alluvial fan hazard areas and sets standards to protect ecological functions and values. Currently, there is no permitting pathway for this type of work, meaning that property owners cannot legally do this work and the impacts of any work done in violation of code go unmitigated. (9) Changes are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (10) References to rural stewardship plans are proposed to be removed as the	14: The proposed ordinance clarifies that the severe channel migration hazard area would be included as part of the riparian area. Removing this grading allowance in the severe channel migration hazard area would be consistent with the grading limitations in riparian area. This is a policy choice. 22: Tree and vegetation clearing for the purposes of wildfire preparedness would be allowed in wetland buffers and riparian areas (outside of severe channel migration hazard areas). Council may wish to consider how to meet wildfire protection goals and environmental protection goals.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
24. Allowed to repair or replace existing on site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by ~~((the P))~~public ~~((H))~~health – Seattle & King County and: a. there is no alternative location available with less impact on the critical area; b. impacts to the critical area are minimized to the maximum extent practicable; c. the alterations will not subject the critical area to increased risk of landslide or erosion; d. vegetation removal is the minimum necessary to accommodate the septic system; and e. significant risk of personal injury is eliminated or minimized in the landslide hazard area. 25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science. 26. Allowed only if: a. there is no~~((t))~~ ~~((an))~~other feasible location with less adverse impact on the critical area and ~~((its))~~ <u>associated</u> buffer; b. the corridor 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~~((:))~~; c. the corridor width is minimized to the maximum extent practical; d. the construction occurs during approved periods for instream work; e. the corridor will not change or diminish the overall aquatic area flow peaks, duration, or volume or the flood storage capacity; and f. no new public right-of-way is established within a severe channel migration hazard area. 27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy equipment are not operated within a wildlife habitat conservation area. 28. Allowed only if: a. an alternative access is not available; b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary; c. the risk associated with landslide and erosion is minimized; d. access is located where it is least subject to risk from channel migration; and e. construction occurs during approved periods for instream work. 29. <u>Allowed ~~((Q))~~only on sites currently involved in the practice of agricultural activities if:</u> <u>a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division;</u> <u>b. there is no other feasible location with less adverse impact on critical areas and associated buffers;</u> <u>c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual;</u> <u>d. access is located where it is least subject to risk from channel migration;</u> <u>e. a floodplain development permit is obtained for any action within the floodplain; and</u> <u>f. all other required state and federal permits have been obtained and actions comply with such permits.</u> 30. Allowed only if: a. the new construction or replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and b. the site is restored with appropriate native vegetation <u>or climate-smart plants in accordance with an approved mitigation plan.</u> 31. Allowed if necessary to bring the bridge or culvert up to current standards and if: a. there is no~~((t-an))~~ other feasible alternative available with less impact on the aquatic area and ~~((its buffer))~~ <u>adjacent riparian area</u>; and b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and ~~((its buffers))~~ <u>adjacent riparian area.</u> 32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines. 33. Allowed outside the roadway if: a. the alterations will not subject the critical area to an increased risk ~~((of))~~ <u>from</u> landslide, <u>alluvial fan</u>, or erosion <u>hazards</u>; b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and		code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (11) Condition 2 is proposed for removal because it is an obsolete provision held over from the Sensitive Area Ordinance from the early 1990s, before there were much more protective requirements in both the CAO and the SMP. At the time, it was intended to provide better protection along some shoreline/lakefront properties before we had aquatic area buffers along lakes. Current buffer requirements require much more protections now. (12) Condition 14 is proposed for removal because now that riparian areas extend beyond the edge of severe CMZs (rather than overlapping with severe CMZs), a change made to better align with BAS, this condition describes an area that no longer exists	29: As noted in the grading table (page 11), a grading permit is not required to construct a farm field access drive if it is constructed in compliance with a farm field access drive. Executive staff state “The King Conservation District (KCD) works with farmland owners/operators to understand management objectives and then creates a plan that supports those objectives while minimizing potential impacts to critical areas and critical area buffers. If plans will provide landowners/operators with certain benefits (e.g., regulatory flexibility, PBRS credit for agricultural land), the plans are reviewed and approved by DNRP. Implementation is generally KCD's responsibility, but if the landowner/operator received cost-share support from DNRP, then DNRP ensures the practices were implemented as designed.” Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
c. significant risk of personal injury is eliminated or minimized in the landslide <u>or alluvial fan</u> hazard area. 34. Limited to the pipelines, cables, wires, and support structures of utility facilities within utility corridors if: a. there is no alternative location with less adverse impact on the critical area and critical area buffer; b. new utility corridors meet ~~((all of))~~ the following to the maximum extent practical: (1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site; (2) the mean annual flow rate is less than twenty cubic feet per second; and (3) paralleling the channel or following a down-valley route near the channel is avoided; c. to the maximum extent practical utility corridors are located so that: (1) the width is the minimized; (2) the removal of trees greater than twelve inches diameter at breast height is minimized; (3) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area; d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met: (1) to the maximum extent practical, the width of the maintenance road is minimized and in no event greater than fifteen feet; and (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area; e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity; f. the construction occurs during approved periods for instream work; g. the utility corridor serves multiple purposes and properties to the maximum extent practical; h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical; i. bored, drilled, or other trenchless crossings ~~((is))~~ <u>are</u> laterally constructed at least four feet below the maximum depth of scour for the base flood; j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark; k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and l. minor communication facilities may collocate on existing utility facilities if: (1) no new transmission support structure is required; and (2) equipment cabinets are located on the transmission support structure. 35. Allowed only for new utility facilities in existing utility corridors. 36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied. 37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical, and no hazardous substances, pesticides, or fertilizers are applied. 38. Allowed if: a. conveying the surface water into the wetland <u>buffer</u> or ~~((aquatic area buffer))~~ <u>riparian area</u>, and discharging into the wetland <u>buffer</u> or ~~((aquatic area buffer))~~ <u>riparian area</u> or at the wetland or aquatic area edge, has less adverse impact upon the wetland ~~((or))~~, <u>wetland buffer, aquatic area, or riparian area</u> ~~((or wetland or aquatic area buffer))~~ than if the surface water were discharged at the <u>buffer((s)) or riparian area</u> edge and allowed to naturally drain through the <u>buffer or riparian area</u>; b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the King County Surface Water Design Manual; c. the conveyance and outfall are installed with hand equipment where feasible; d. the outfall shall include bioengineering techniques where feasible; and e. the outfall is designed to minimize adverse impacts to critical areas. 39. Allowed only if: a. there is no feasible alternative with less impact on the critical area and ~~((its))~~ <u>associated</u> buffer;		under the proposed code. (13) Correcting formatting and grammatical errors.	

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and ~~((its))~~ associated buffer; c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site; d. construction occurs during approved periods for in-stream work; and e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area, or waterward of the ordinary high water mark. 40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if: a. fish habitat features necessary for feeding, cover, and reproduction are included when appropriate; b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments, or shade the water; and c. bioengineering techniques are used to the maximum extent practical. 41. Allowed for a closed, tightlined conveyance system and outfall structure if: a. necessary to avoid erosion of slopes; and b. bioengineering techniques are used to the maximum extent practical. 42. Allowed in a severe channel migration hazard area, riparian area, or an ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only: a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function; b. based on a critical area~~((s))~~ report, the department determines that the new flood protection facility will not cause ~~((significant))~~ adverse impacts to upstream or downstream properties; and c. to prevent bank erosion for the protection of: (1) public roadways; (2) sole access routes in existence before February 16, 1995; (3) new primary dwelling units, accessory dwelling units, or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if: (a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes, or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and (b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures on abutting or adjacent properties; or (4) existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures if: (a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists; (b) the structure is in imminent danger, as determined by a ~~((geologist, engineering geologist or geotechnical engineer))~~ geological professional; (c) the applicant has demonstrated that the existing structure is at risk, and the structure and supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and (d) nonstructural measures are not feasible. 43. Applies to lawfully established existing structures if: a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process; b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process; c. the footprint of the facility is not expanded waterward; d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;			43: “Applies to lawfully established” could be changed to “Allowed for legally established” for clarity/consistency.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
e. the site is restored with appropriate native vegetation, <u>or climate-smart plants</u> and erosion protection materials <u>according to an approved mitigation plan</u>; and f. based on a critical area((s)) report, the department determines that the maintenance, repair, replacement, or construction will not cause ~~((significant))~~ <u>adverse</u> impacts to upstream or downstream properties. 44. Allowed in type N and O aquatic areas if done in <u>the</u> least impacting way at <u>the</u> least impacting time of year, in conformance with applicable best management practices, and all affected instream and ~~((buffer))~~ <u>riparian area</u> features are restored. 45. Allowed in a type S or F water when such work is: a. included as part of a project to evaluate, restore, <u>mitigate</u>, or ~~((improve))~~ <u>enhance</u> habitat~~((, and))~~; b. sponsored or cosponsored by <u>an Indian tribe, ((public)) government agency, nonprofit organization</u> that has natural resource management as a function, or ~~((by a federally recognized tribe))~~ <u>a higher education institution</u>; and c. <u>in compliance with the criteria of subsection D.49. of this section.</u> 46. Allowed ~~((as long as))~~ <u>if</u> the trail is not constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to ~~((handicapped))~~ <u>persons with disabilities</u>. 47. ~~((Not allowed in a wildlife habitat conservation area. Otherwise, a))~~ <u>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:</u> a. the trail surface is made of pervious materials, except that public multipurpose trails <u>and public trails constructed for access by persons with disabilities</u> may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail <u>section</u> that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge; b. to the maximum extent practical, buffers, <u>riparian areas, and wildlife habitat network areas</u> 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))~~ <u>associated</u> 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 <u>and private foot trails are limited to three feet in width</u>; f. the construction occurs during approved periods for instream work; ~~((and))~~ g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity~~((-))~~; h. <u>the trail shall minimize impacts within a wetland buffer, riparian area, or wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to the maximum extent practical</u>; i. <u>trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands or associated buffers</u>; j. the trail may be ~~((located across a critical area buffer))~~ <u>allowed to cross a riparian area, wetland buffer, or wildlife habitat network</u> for access to a viewing platform or to a permitted dock or pier; <u>and</u> ~~((i—A))~~ <u>k. a private viewing platform may be allowed if it is:</u> (1) located upland from the wetland edge or the ordinary high water mark of an aquatic area; (2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or ~~((its))~~ <u>associated</u> buffer; (3) limited to fifty square feet in size; (4) constructed of materials that are nontoxic; and (5) on footings located outside of the wetland or aquatic area. 48. Only if the maintenance: a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation; b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope, or other improved area being maintained. 49. Limited to alterations to <u>create, restore, or enhance aquatic or wetland</u> habitat forming processes or ~~((directly restore))~~ habitat functions and values, including access for construction, as follows:			Proposed changes to <u>49</u> limit habitat enhancement projects from those that affect <i>any</i> habitat to only those that affect

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
a. ~~((projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;~~ b.)) <u>creation, restoration, and enhancement plans shall be prepared by an ((qualified biologist)) ecological professional; ((or</u> e. ~~conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan)) and~~ b. <u>the applicant provides an ecological critical area report that includes the following:</u> (1) <u>an evaluation of the anticipated net change in ecological functions from pre-project to post project;</u> (2) <u>a mitigation plan for impacts to critical areas and associated buffers, unless the applicant demonstrates to the satisfaction of the department that the proposed project will provide a net ecological benefit and increase in function over the existing conditions of the project area; and</u> (3) <u>a monitoring and reporting plan to demonstrate the gain of ecological function.</u> 50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act. 51. Allowed for the minimal clearing and grading, including site access, necessary to prepare critical area reports. 52. The following are allowed if associated spoils are contained: a. data collection and research if carried out to the maximum extent practical by nonmechanical or hand-held equipment; b. survey monument placement; c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment ~~((and))~~; or d. <u>similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.</u> 53. <u>Limited to</u> activities in continuous existence <u>since January 1, 2005</u>, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states <u>not exceeding seven years and</u> associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: a. the site is predominantly involved in the practice of ~~((agriculture))~~ <u>agricultural activities;</u> b. <u>there is no expansion into an area that:</u> (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G forest practice permit; or (2) ~~is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height))~~ <u>a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer,</u> not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and d. all best management practices associated with the activities specified in the farm management plan are installed and maintained. 55. Only allowed in grazed or tilled wet meadows or ~~((their))~~ <u>associated</u> buffers if: a. the facilities are designed to the standards of an approved farm management plan <u>or livestock management plan and</u> in accordance <u>with</u> K.C.C. 21A.24.051 ~~((or an approved livestock management plan in accordance with K.C.C. chapter 21A.30));~~ b. there is not a feasible alternative location available on the site; and c. the facilities are located close to the outside edge of the buffer to the maximum extent practical. 56. Only allowed in: a.(1) a severe channel migration hazard area located outside of the shoreline((s)) jurisdiction area; (2) grazed or tilled wet meadow or wet meadow buffer; or (3) ~~((aquatic area buffer))~~ <u>grazed or tilled riparian area;</u> and only if: b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized; (2) there is ~~((not another))~~ <u>no other</u> feasible location available on the site that is located outside of the critical area or critical area buffer; (3) the farm pad, <u>livestock manure storage facility, or livestock heavy use area</u> is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and (4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, <u>or livestock heavy use area</u> is located where it is least subject to risk from channel migration.			<i>aquatic or wetland habitats</i>. Council may wish to consider moving and revising this language into a subsection as criteria to state “alterations proposed within aquatic areas, riparian areas, wetlands, and associated buffers will not result in adverse impacts to aquatic or wetland functions and values.” - Under the shoreline modification table (page 107) in K.C.C. 21A.25.160, “habitat and natural systems enhancement projects” are subject to certain standards that differ from these standards. Because there is overlap between critical areas and the shoreline jurisdiction, Council may wish to make these standards consistent where applicable. 53: As written, this condition appears to limit agricultural activities to only those established <i>since</i> January 1, 2005, not those in continuous existence <i>prior</i>. This could be clarified. 54: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. This is a policy choice. 54: Council may wish to include “aquatic area” to this list to clarify that livestock is not permitted in aquatic areas. 54: As proposed, new or expanded agricultural activities would not be limited to 10,000 sf in treed areas, and instead would not be allowed in wetland, wetland buffers, or riparian areas that contain native forestry overstory, shrub, or herbaceous layer. Executive staff indicate that this change would result in greater protections, as the existing code would allow clearing of native shrubs or

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained. 58. If the agricultural drainage is used by salmonids, maintenance shall ~~((be in compliance))~~ <u>comply</u> with an approved farm management plan in accordance with K.C.C. 21A.24.051. 59. Allowed within existing landscaped areas or other previously disturbed areas. 60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if: a. there is no alternative location with less adverse impact on the critical area or the critical area buffer; b. the residential utility service distribution lines meet ~~((all of))~~ the following, to the maximum extent practical: (1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site; (2) not located over a type S aquatic area; (3) paralleling the channel or following a down-valley route near the channel is avoided; (4) the width of clearing is minimized; (5) the removal of trees greater than twelve inches diameter at breast height is minimized; (6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area; (7) access for maintenance is at limited access points into the critical area buffer. (8) the construction occurs during approved periods for instream work; (9) bored, drilled, or other trenchless crossings <u>are</u> ~~((is))~~ encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and (10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry. 61. Allowed if sponsored or cosponsored by the countywide flood control zone district, <u>or the department of natural resources and parks</u> and the department <u>of local services, permitting division</u>, determines that the project and its location: a. is the best flood risk reduction alternative practicable; b. is part of a comprehensive, long-term flood management strategy; c. is consistent with the King County Flood Management Plan policies; d. will have the least adverse impact on the ecological functions of the critical area or ~~((its))~~ <u>associated</u> buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and e. has been subject to public notice in accordance with K.C.C. 20.44.060. 62.a. Not allowed in wildlife habitat conservation areas; b. Only allowed if: (1) the project is sponsored or cosponsored by a public agency whose primary function deals with natural resources management; (2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function deals with natural resources management; (3) there is not a feasible alternative location available on the site with less impact to the critical area or ~~((its))~~ associated buffer; (4) the aquatic area or wetland is not for salmonid rearing or spawning; (5) the project minimizes the footprint of structures and the number of access points to any critical areas; and (6) the project meets the following design criteria: (a) to the maximum extent practical size of platform shall not exceed one hundred square feet; (b) all construction materials for any structures, including the platform, pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an adverse impact on water quality; (c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;			herbaceous species without a farm management plan or grading permit. This change would connect protection to specific critical areas, consistent with the County's BAS, and limit new expansion into these critical areas. However, Council may note that these changes still would allow some livestock activities in critical areas that do not meet the native vegetation criteria, which represents a high-risk approach. This is a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
(d) structures shall be located outside of the wetland or aquatic area landward of the ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water component, ~~((f))~~if applicable~~((j))~~, to the maximum extent practical on the site; (e) construction occurs during approved periods for work inside the ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark; (f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons; (g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code; (h) trail access is designed in accordance with public rules adopted by the department; (i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is allowed; and (j) disturbed bare ground areas around the structure must be ~~((replanted))~~ <u>revegetated</u> with native vegetation <u>or climate-smart plants</u> approved by the department. 63. Not allowed in the severe channel migration ~~((zone,))~~ <u>hazard area</u>. <u>Otherwise allowed</u> if there is no alternative location with less adverse impact on the critical area and buffer, and clearing is minimized to the maximum extent practical. 64. 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, <u>wetlands</u>, <u>aquatic areas</u>, or severe channel migration hazard 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 ~~((the critical area))~~ <u>wetlands or aquatic areas</u> as practical, but in no case closer than seventy-five feet from ~~((the critical area))~~ <u>a wetland or an aquatic area</u>; d. only one tree-supported structure within a critical area buffer <u>or riparian area</u> is allowed on a lot; e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an adverse impact on water quality; f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness; g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following: (1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure; (2) the attachments shall be constructed using the best available tree anchor bolt technology; and (3) an ~~((ISA))~~ <u>International Society of Arboriculture</u> Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure; h. exterior lighting shall meet the following criteria: (1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and (2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment; i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons; j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section; k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and l. vegetated areas within the critical area buffer <u>or riparian area</u> that are temporarily impacted by construction of the structure shall be restored by planting native vegetation <u>or climate-smart plants</u> according to a ~~((vegetation management))~~ <u>mitigation</u> plan approved by the department.			

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
65. Shoreline water dependent and shoreline water oriented uses are allowed in ~~((the aquatic area and aquatic area buffer of a))~~ ~~((F))~~ type S aquatic area <u>and adjacent riparian area</u> if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the King County Comprehensive Plan. 66. Only hydroelectric ~~((generating))~~ <u>generation</u> facilities meeting the requirements of K.C.C. 21A.08.100B.14., and only as follows: a. there is ~~((not another))~~ <u>no other</u> feasible location within the aquatic area with less adverse impact on the critical area and ~~((its))~~ <u>associated</u> buffer; b. the facility and corridor ~~((is))~~ <u>are</u> 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 location; c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ~~((8))~~ <u>eight</u> points or greater; d. the corridor width is minimized to the maximum extent practical; e. paralleling the channel or following a down-valley route within ~~((an aquatic area buffer))~~ <u>riparian area</u> is avoided to the maximum extent practical; f. the construction occurs during approved periods for instream work; g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity; h. the facility and corridor ~~((is))~~ <u>are</u> not located within a severe channel migration hazard area; i. to the maximum extent practical, buildings will be located outside the <u>wetland</u> buffer <u>or riparian area</u> and away from the <u>wetland or</u> aquatic area ~~((or wetland))~~; j. to the maximum extent practical, access for maintenance is at limited access points into the critical area <u>or associated</u> buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met: (1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area; k. the facility does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility, or other infrastructure owned or operated by a public utility. 67. Only hydroelectric ~~((generating))~~ <u>generation</u> facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows: a. there is no~~((t an))~~ other feasible location with less adverse impact on the critical area and ~~((its))~~ <u>associated</u> buffer; b. the alterations will not subject the critical area to an increased risk of landslide or erosion; c. the corridor width is minimized to the maximum extent practical; d. vegetation removal is the minimum necessary to locate the utility or construct the corridor; e. the facility and corridor do not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and ~~((is))~~ <u>are</u> consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury ~~((is))~~ <u>are</u> eliminated or minimized in the landslide hazard area; and f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility. 68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows: a. the heat exchanger must be a closed loop system that does not draw water from or discharge to the lake; b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger; c. the in-water portion of system is only allowed where water depth exceeds six feet; and d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180. 69. Only for maintenance of agricultural waterways if: a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife (~~(pursuant to)~~) <u>in accordance with</u> chapter 77.55 RCW; c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology; d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and e. the maintenance project complies with K.C.C. chapter 16.82. <u>70. Only allowed within an alluvial fan hazard area, and overlapping critical areas if:</u> <u>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;</u> <u>b. to prevent an imminent threat to:</u> <u>(1) public roadways, utilities, and other infrastructure;</u> <u>(2) sole access driveways and roads;</u> <u>(3) primary dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures;</u> <u>(4) agricultural activities structures necessary to store equipment, produce, or livestock;</u> <u>c. conducted under an approved emergency authorization request per K.C.C. 16.082.065;</u> <u>d. the emergency work is completed within thrity days of receiving a written emergency authorization;</u> <u>e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat;</u> <u>f. proposed in-stream work is minimized or results in the least adverse impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;</u> <u>g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;</u> <u>h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;</u> <u>i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:</u> <u>(1) mitigate any adverse ecological impacts of the emergency actions;</u> <u>(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and</u> <u>(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and</u> <u>j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.</u>			
CRITICAL AREA ALTERATION AND REASONABLE USE EXECEPTIONS			
K.C.C. 21A.24.070 - Sets standards for Critical Area Alteration Exceptions and Reasonable Use Exceptions. SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows: A. The director may approve exceptions to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration areas, not otherwise allowed by this chapter as follows: 1. ~~For linear alterations, ((E))except as otherwise provided in subsection A.2. of this section((, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only))~~ when all of the following criteria are met: a. there is no feasible alternative to the development proposal with less adverse impact on the critical area; b. the <u>development</u> proposal minimizes the adverse impact on critical areas to the maximum extent practical; c. the ~~((approval))~~ <u>exception</u> does not require the modification of a critical area development standard established by this chapter; d. the development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; <u>and</u>	(1) Technical corrections. (2) Clarifies that reasonable use exceptions are not allowed within alluvial fan hazard areas and severe channel hazard migration hazard areas. (3) Clarifies that a reasonable use exception cannot be	(1) Updated wording to clarify existing intent. (2) Updated wording to clarify existing intent. (3) Aligns code with case law and ensures the code functions as intended.	<i>Section Notes:</i> • This section provides an alternative for property owners to make alterations on their property that would otherwise not comply with the critical area regulations. The two methods are a 1) critical area alteration exception (CAAE), and 2) a reasonable use exception (RUE). RUEs are for instances where the critical area regulations would deprive a property of any reasonable use and requires a higher set of standards to meet. CAAEs are more limited in scope, allowing for flexibility for highly constrained sites where reasonable use is not

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
e. the linear alteration: (1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility, or other public infrastructure owned or operated by a public utility; or (2) is required to overcome limitations due to gravity; 2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical 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))~~ <u>associated</u> buffer; and 3. For nonlinear alterations, <u>except as otherwise provided in subsection A.3.h. of this section</u>, the director may approve <u>exceptions to allow</u> alterations to critical areas except <u>aquatic areas, wildlife habitat conservation areas, and wetlands</u>, ~~((unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas,))~~ and <u>may approve</u> alteration~~((s))~~ <u>exceptions</u> to critical area buffers and critical area setbacks, when all of the following criteria are met: a. there is no feasible alternative to the development proposal with less adverse impact on the critical area; b. the alteration is the minimum necessary to accommodate the development proposal; c. the ~~((approval))~~ <u>exception</u> does not require the modification of a critical area development standard established by this chapter; d. the development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~ <u>critical area</u> setbacks, or other land alteration, including grading, utility installations, and <u>maintained yard and</u> landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. When the site disturbance is within a critical area or <u>associated</u> buffer, the ~~((building))~~ <u>critical area</u> setback line shall be measured from the ~~((building footprint))~~ <u>edge of the structure</u> to the edge of the approved site disturbance; f. to the maximum extent practical, access is <u>designed and</u> located to have the least adverse impact on the critical area and critical area buffer; g. <u>the critical area is not ((used as a)) potential salmonid spawning ((area)) habitat</u>; and h. <u>the director may approve an alteration in a category II, III, and IV wetland for development of a public school facility</u>. B. The director may approve a <u>reasonable use exception to allow</u> alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, <u>alluvial fan hazard areas, and severe channel hazard migration hazard areas</u>, if the application of this chapter would deny all reasonable use of the property as follow: 1. If the critical area, critical area buffer, or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all ~~((of))~~ the following criteria are met: a. there is no other reasonable use with less adverse impact on the critical area; b. development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~ <u>critical area</u> setbacks, or other land alteration, including grading, utility installations, and <u>maintained yard and</u> 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. 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))~~ <u>generation</u> facilities, utility corridors, and utility facilities; 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 e))~~ <u>Exceptions</u> approved under this section shall meet the mitigation requirements of this chapter.	obtained if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.		completely eliminated. Executive staff indicate that on average, there have been fewer than 10 CAAE and RUE applications combined per year since 2015. <i>Policy Analysis:</i> - It is possible that the changes to the critical area regulations in this proposed ordinance would increase the number of CAAEs or RUEs due to increased buffers, new critical areas, and changes to allowed alterations or development standards. This is a policy choice. As proposed, a property owner would not be able to obtain an exception for development in an alluvial fan hazard area and severe channel migration hazard area. Executive staff indicate that this is existing exclusion and that building in these areas poses an unreasonable threat to public health, safety, and welfare. This is a policy choice. - King County currently <u>allows private property owners to modify critical areas and buffers through a CAAE or a RUE</u>. RUEs must demonstrate that reasonable use of the property would be denied, whereas CAAEs are subject to other criteria such as feasibility and the minimum necessary. Council may wish to consider whether two sets of standards for allowing deviations from critical areas is necessary. Council may also wish to clarify what a “critical area development standard” refers to. These are policy choices. - The code provides a higher level of protection to <u>salmonid spawning habitats</u> rather than all fish spawning habitats. This is a policy choice. - Whether to allow <u>an alteration for any public school facility</u> in a Category II, III, or IV wetland without dimensional limitation is a policy choice. Executive staff state that this code is “supported by policy E-109, which

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
E. An applicant for an ((alteration)) exception shall submit a critical area report, as required by K.C.C. 21A.24.110. F. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.			speaks to allowing the efficient provision of public services by exempting minor activities from critical area regulations, under certain conditions.” It appears that this provision has not been utilized but is to “be included in the code to allow a school to impact a wetland by using a CAAE instead of a RUE, so an applicant wouldn't have to prove that there is no other reasonable use of the site than a school.” The Council may wish to consider whether limitations, such as size, scale, or location, should be added for public school facilities in wetlands. • Subsection F. clarifies that a property owner cannot create a need for an exception, which can occur by creating a constrained site. This is consistent with existing practice and the Department of Commerce’s guidance. • This section could be restructured for clarity and ease of reading. There are two types of exceptions identified in this section with specific allowances within each exception type.
K.C.C. 21A.24.072 Alteration exception – alternative. A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows: 1. There is no feasible alternative to the development proposal with less adverse impact on the critical area; 2. The alteration is the minimum necessary to accommodate residential use of the property; 3. The approval does not require the modification of a critical area development standard established by this chapter; 4. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; 5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area; 6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and 7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130. B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting. C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. 20.20.060.H.	Repealed.	This section is duplicative to other sections in the code and pertains to processes that are addressed in K.C.C. Chapter 20.20 land use application procedures.	<i>Section Notes:</i> • This section was intended to provide an alternative to a critical area exception or reasonable use exception in K.C.C. 21A.24.070 for single detached residences. <i>Policy Analysis:</i> • No issues identified.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions. (Ord. 19146 § 67, 2020: Ord. 17539 § 47, 2013).			
CRITICAL AREA REVIEW AND REPORT REQUIREMENTS			
K.C.C. 21A.24.090 - Sets requirements for the disclosure of critical areas by permit applicants. <u>SECTION 45.</u> Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows: ((If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether)) <u>An applicant for a permit for a development proposal or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide the following:</u> A. <u>Disclosure of critical areas on the development proposal site or sites, including mapped or identifiable critical areas within the distance equal to the largest potential required critical area buffer applicable to the development proposal; and</u> B. <u>An affidavit indicating whether:</u> 1. The applicant has knowledge of any illegal alteration to ((any or all)) <u>the critical areas or associated buffers</u> on the development proposal site or sites; and ((B-)) 2. The applicant previously has been found in violation of this chapter <u>for any property in King County</u>, in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant ((shall)) <u>must</u> declare whether the violation has been corrected to the satisfaction of King County.	(1) Requires applicants for permits and critical area designations to disclose the presence of critical areas and buffers on the development proposal site.	(1) Clarifies that the applicant is the party responsible for providing complete, accurate information about critical areas on a given property.	<i>Section Notes:</i> • This section describes when an applicant is required to disclose a critical area on a property. <i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.24.500 - Sets critical area designation standards. <u>SECTION 46.</u> K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.	(1) Reordered to be located after the code section on requirements for the disclosure of critical areas by permit applicants.	(1) Improves code usability by grouping similar topics together, keeping related information in one place.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.24.500 - Sets critical area designation standards. <u>SECTION 47.</u> Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows: A.1. A property owner or the property owner's agent may request a critical area designation for <u>a site consisting of part or all of a ((site)) parcel</u>, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department. 2. ((If the request is for review of a portion of a site, t))<u>The application shall include a map identifying ((the portion)) all areas of the ((site)) parcel for which the designation is sought. The designation shall not apply to any areas of the parcel other than those identified in the application and approved by the department.</u> ((2. The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.)) 3. <u>If deemed necessary by the department, supporting critical area reports, prepared in accordance with K.C.C. 21A.24.110, may be required.</u> 4. <u>The review by the department shall evaluate, determine, and document the existence, location, and classification of the critical areas within the areas indicated on the application.</u> B. ((In preparing the critical area designation, the department shall perform a critical area review to: 1. <u>Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;</u> 2. <u>Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;</u> 3. <u>Evaluate the critical area report, if required; and</u> 4. <u>Document the existence, location and classification of any critical area.</u>	(1) States that critical area designations (CADs) apply only to areas of the parcel identified and approved by the department and not elsewhere. (2) Updates applicability of written determination to only critical areas, not critical area buffers. (3) Removes section describing appeal procedures.	(1) Clarifies that just because a portion of a parcel is not addressed by a CAD does not mean that the County has verified that critical areas are not present on that portion. (2) Clarifies that the CAD determination applies to the existence, location, and classification of critical areas on a site. Existing code was unclear whether buffers were part of CAD determination. Because buffer	<i>Section Notes:</i> • This section establishes the scope and applicability of a critical area designation. <i>Policy Analysis:</i> • Executive staff indicate that DLS’ current practice is to <u>limit critical area designations to one parcel, rather than a development site</u> and that each parcel requires its own designation, and the proposed changes reflect that practice. This is a policy choice. • <u>This provision</u> appears to be part of the critical area regulations prior to 2004 (previously called sensitive areas) and references to these special studies were repealed in 2004. Executive staff indicate that there are no resources to develop reports for property owners and this is not a current practice for DLS.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~ ~~D.)) The department shall ((make the determination of)) issue a critical area designation in writing within one-hundred-twenty- days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. ((If the determination applies to less than an entire site, t))The determination 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 critical area maps that conflict with the department's written determination.~~ ~~((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.))~~		widths are defined in code relative to the scope of a development proposal, and may be altered with a development proposal, and a CAD is not associated with a development proposal, this avoids the code conflicts that could occur if buffer locations were vested prior to review of a development proposal. (3) CADs are now a Type 1 decision in K.C.C. 20.20.020; so, the appeal period and process for a CAD is provided under Land Use Petition Act (LUPA), and this section is no longer needed to explain the appeal process.	• Changes to permitting timelines were made under Ordinance 19872 to comply with SB 5290. Council may wish to remove this text for consistency with that ordinance. • The County adopts maps for some critical areas including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, and flood hazard areas. These maps serve as sources of information during the critical area determination and review processes. Because not all critical area maps are officially adopted (such as wetlands), Council may wish to clarify which maps are included here to avoid potential conflicts regarding which maps take precedent over a written determination. • Executive staff indicate that this provision does not address the preparation of determinations and that this intent is established in K.C.C. 21A.24.100. No issues identified.
K.C.C. 21A.24.100 - Sets critical area review standards. <u>SECTION 48. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:</u> A. ~~((Before any))~~ Prior to clearing, grading, or site preparation, 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))~~: 1. ~~The existence, location, and classification of ((A)) critical areas on the ((development proposal site)) parcel;~~ 2. ~~((An active breeding site of a protected species on the development proposal site; or~~ 3. ~~A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible from the boundaries of the site))~~ <u>The existence, location, and classification of critical areas within three hundred feet of the site that can be identified by use of available data and methods including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, critical area determinations for other permits, and available critical area reports;</u> <u>3. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and</u> <u>4. Compliance with all other standards and regulations of this chapter.</u> B. As part of the critical area review, the department shall review ~~((the critical area reports and determine))~~ whether:	(1) Provides examples of how off-site critical area information may be obtained. (2) Adds cross-references to code and streamlines code language. (3) Adds explanation of how appeals of critical area reviews function.	(1) Improves code usability by helping users to understand how to meet code requirements. (2) Supports internal consistency of code and reduces unnecessary wordiness. (3) Because critical area reviews can be a component of either a development	<i>Section Notes:</i> • This section establishes DLS’ process for conducting a critical area review. Executive staff indicate that subsection A. describes how the process is performed and subsection B. describes when the review occurs and what it entails. <i>Policy Analysis:</i> • This section could be restructured for clarity and ease of reading. • Alluvial fan hazard areas are not included in this list. These critical areas may pose a potential hazard and should be reviewed for

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
1. ~~((There has been an accurate identification of all critical areas))~~ Critical area designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as recodified by this ordinance; 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical area report or reports are required with the application under K.C.C. 21A.110; 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified within the application documents; 4. ~~((The sequence))~~ Proposed alterations prioritize avoidance and minimization measures, followed by mitigation requirements in K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas and critical area buffers)); ((and))~~ 5. <u>Proposed ((M))mitigation measures required</u> to compensate for <u>unavoidable</u> adverse impacts to critical areas ~~((is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,))~~ and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and 6. <u>Proposed alterations are</u> consistent with the goals, purposes, objectives, and requirements of this chapter. C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04, critical area review is not required, ~~unless the development proposal is located within a:~~ 1. Flood hazard area; 2. Critical aquifer recharge area; or 3. Landslide hazard area, <u>steep slope hazard area</u>, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure. <u>D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an independent decision under K.C.C. 20.20.020.</u>		proposal or a critical area designation, this section proposes to clarify that the critical area review is part of the appeal of the underlying approval.	consistency with the code. Council may wish to add this type of critical area to the list. • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as “critical area report or reports are required with the application under K.C.C. 21A.24.xxx”. However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require a report where site conditions warrant.
K.C.C. 21A.24.110 - Sets critical area report standards. <u>SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:</u> A. <u>An ((applicant)) application for a development proposal that requires critical area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this ordinance,</u> shall submit a critical area report at a level determined by the department to adequately evaluate the proposal and all probable impacts <u>in accordance with the applicable critical area report criteria of this chapter.</u> B. The applicant may combine a critical area report with ~~((any))~~ <u>additional</u> studies required by other laws and regulations. C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal. D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be: a. ~~((A))~~<u>a</u> Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act; b. ~~((D))~~<u>documentation</u> that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act; c. ~~((D))~~<u>documentation</u> that the activity fits within Section 4(d) of the Endangered Species Act; d. ~~((A))~~<u>an</u> assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ <u>April 2011</u>. The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or more))~~ of the following: (1) the primary constituent elements identified when a species is listed as threatened or endangered; (2) Essential Fish Habitat designated by the National Marine Fisheries Service; (3) fish and wildlife habitat conservation areas; (4) vegetation communities and habitat structures; (5) water quality; (6) water quantity, including flood and low flow depths, volumes, and velocities;	(1) Updates document version of Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X referenced in code. (2) Clarifies that the impacts that must be avoided, minimized, and mitigated are to critical areas and associated buffers.	(1) Updates document version to be the current, correct version. (2) Requires mitigation sequencing in accordance with state law.	<i>Section Notes:</i> • This section describes the size and scale of critical area reports. <i>Policy Analysis:</i> • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as “An application for a development proposal that requires a critical area review under K.C.C. 21A.24.xxx”. However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require a report where site conditions warrant. • Under <u>Subsection D.1.</u>, a property only needs to provide one assessment, rather than all of the items listed. “or” could be added to D.1.c. for clarity.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(7) the river or stream channel's natural planform pattern and migration process; (8) spawning substrate, if applicable; and (9) floodplain refugia, if applicable. 2. The department ~~((must))~~ shall require ~~((a))~~ projects with adverse ~~((effects))~~ impacts on critical areas or associated buffers to ~~((comply with the impact))~~ prioritize avoidance~~((;))~~ and minimization ~~((and))~~ measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.			It is unclear why mitigation sequencing requirements are under the critical area report requirements. Council may wish to consider revising this subsection to be an analysis that is a report submittal requirement or remove the subsection.
K.C.C. 21A.24.XXX - New Section <u>NEW SECTION. SECTION 50.</u> There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. An applicant for a development proposal that requires geological critical area review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level of detail determined by the department to adequately evaluate the proposal and all probable impacts. B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. C. The geological critical area report shall be prepared, stamped, and signed by a geological professional. D. The geological critical area report shall contain, at a minimum, the following information: 1. A description of site conditions that includes: a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on the site; b. the quantity and type of existing vegetation cover; c. a description of the ground surface inclination in percent gradient; and d. the location or evidence of any springs, seeps, or other expressions of groundwater. 2. A evaluation of the geological conditions of the site that includes: a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines; b. available geotechnical reports, well logs, or other data sources within the vicinity of the site; c. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours; d. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site; e. engineering properties of the subsurface soils or bedrock or both on site and adjacent properties; and f. identification of all existing fill areas; 3. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property including, but not limited to: a. slope stability; b. liquefaction hazard; c. debris runout; d. channel migration; e. erosion rates, slope recession rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization; and f. additional information required by K.C.C. 21A.25.170, if applicable; 4. An evaluation of proposed development which includes: a. location and description of proposed development activity; b. method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the King County Surface Water Design Manual; c. locations and methods for temporary and permanent erosion control; d. recommendations for structure siting limitations, including buffers and setbacks, in accordance with the development standards of geologically hazardous areas in this chapter;	Establishes criteria for geological critical area reports.	Provides clearer, more explicit requirements for reports, reducing the risk of important information being omitted from reports because the requirements were unclear.	<i>Section Notes:</i> - This new section would provide the submittal requirements for a geological critical area report. <i>Policy Analysis:</i> - K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as “An application for a development proposal that requires geological critical area review under K.C.C. 21A.24.xxx”. However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require report where site conditions warrant. - It is unclear why mitigation sequencing requirements are under the critical area report requirements. Council may wish to consider revising this subsection to be an analysis that is a report submittal requirement or remove the subsection.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
e. recommendations for engineering mitigation of hazards; and f. recommendations for vegetation management to mitigate hazards; 5. A determination stating whether the proposed alterations minimize risks to people and development on and off the site in accordance with the development standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice; 6. A site plan that includes: a. the topography with vertical contour intervals of five feet or less unless the underlying project permit requires a smaller interval; b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site; c. all identified geologically hazardous areas, buffers, and critical area setbacks; d. exploration locations; e. locations of proposed development and clearing limits, if known, and f. transects of any provided cross-sections; 7. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and 8. Any other information determined by the department to be necessary to determine compliance with this chapter including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, and models for estimating how far landslide materials will travel. E. The department shall require a project with adverse impacts to prioritize avoidance and minimization measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.			
K.C.C. 21A.24.XXX - New Section <u>NEW SECTION. SECTION 51.</u> There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. An applicant for a development proposal that requires ecological critical area review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level of detail determined by the department to adequately evaluate the proposal for all probable impacts. B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. Ecological critical areas include wetlands and all fish and wildlife habitat conservation areas. C. The ecological critical area report shall be prepared and signed by an ecological professional. D. The ecological critical area report shall contain, at a minimum, the following information: 1. A wetland, aquatic area, and riparian area delineation report that includes: a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035, including completed data forms and data point locations to demonstrate the presence or absence of wetland conditions; b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms; c. identification of aquatic area locations, typing, and ordinary high water marks; d. identification of severe channel migration hazard areas and floodplains; and e. determination of applicable wetland buffers and riparian areas; 2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks; 3. A description of existing onsite and adjacent site conditions that includes: a. existing development including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established; b. the extent and dominant species composition of existing vegetative cover; c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology; d. functions and values of all critical areas found; and	Establishes criteria for ecological critical area reports.	Provides clearer, more explicit requirements for reports, reducing the risk of important information being omitted from reports because the requirements were unclear.	<i>Section Notes:</i> • This new section would provide the submittal requirements for an ecological critical area report. <i>Policy Analysis:</i> • This section could be restructured for clarity. This could include clarifying what items are expected to be shown on a site plan or a report, using consistent terminology, and streamlining. • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as “An application for a development proposal that requires ecological area review under K.C.C. 21A.24.xxx”. However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require report where site conditions warrant. • The proposed code requires all trees of at least 3” diameter at breast height (DBH)

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
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. The department may require tree locations to be surveyed; 4. If unavoidable impacts to critical areas or buffers are proposed, an impact analysis that includes: a. demonstration that adverse impacts prioritized avoidance and minimization measures, followed by mitigation sequencing in K.C.C. 21A.24.125. b. calculation of square footage of direct permanent impacts to each critical area and buffer; c. 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; d. 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; e. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts; f. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the King County Surface Water Design Manual; and g. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers; 5. A mitigation plan that includes: a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required; b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates; c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24; d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year; e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable; f. plan for installation of wildlife lighting; g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and h. justification for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equivalent or greater ecological functions will be achieved; 6. A monitoring plan that includes: a. a monitoring schedule of five years, unless otherwise directed by the department; 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; 7. A site plan depicting: a. mapped locations of all on-site critical areas and approximated locations of all off-site critical areas within three hundred feet of the site; b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24; c. critical area setback lines applied in accordance with K.C.C. 21A.24.200; d. existing and proposed alterations, including but not limited to structures, impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and e. all property lines, setbacks, and easements; and 8. Additional information determined by the department to be necessary to comply with this chapter.			within a clearing limit or within striking distance to be identified. This could encompass young trees (for example, the landscaping code specifies 1.75” DBH for new plantings). This would ensure that the largest number of trees are identified within a clearing limit or an area close to proposed development; however, this could require more extensive documentation. Executive staff indicate that native trees can reach 15 feet tall with a 3” DBH typically at 5 years old for trees such as cottonwoods and 10-20 years old for conifers. Executive staff indicate that 3” DBH was chosen based on the US Army Corps of Engineers methodology and WSDOT uses 4” DBH as their minimum. This is a policy choice. • Council may wish to clarify “proposed development.” Executive staff indicate that this would be based on the definition of hazard tree and include proposed structures and access routes, however this connection is not clear and this standard does not apply to hazard trees. This could be revised to either say structures and roads, or include a specified number instead of striking distance. • “Nonnative” could be removed so that a site plan shows all landscaping, whether it is native or nonnative.
CRITICAL AREA MITIGATION			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.24.125 - Avoiding impacts to critical areas. A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority, to avoid impacts to critical areas and critical area buffers: 1. Avoiding the impact or hazard by not taking a certain action; 2. Minimizing the impact or hazard by: a. limiting the degree or magnitude of the action with appropriate technology; or b. taking affirmative steps, such as project redesign, relocation or timing; 3. Rectifying the impact to critical areas by repairing, rehabilitating or restoring the affected critical area or its buffer; 4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods; 5. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal or alteration; 6. Compensating for the adverse impact by enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and 7. Monitoring the impact, hazard or success of required mitigation and taking remedial action. B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> • This existing code section describes mitigation sequencing, which is a set of measures that must be taken to avoid impacts to a critical area. <i>Policy Analysis:</i> • This section could be updated to name this “mitigation sequencing” and cross references could be updated throughout the code for consistency and to reduce unnecessary duplication.
K.C.C. 21A.24.130 - Mitigation requirements for adverse impacts to critical areas. <u>SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:</u> A. ~~If mitigation is required under this chapter to compensate for adverse impacts, ((unless otherwise provided, an applicant shall:~~ ~~1. Mitigate adverse impacts to:~~ ~~a. critical areas and their buffers; and~~ ~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~ ~~2. Monitor the performance of any required mitigation)) the mitigation shall be designed to:~~ ~~1. Achieve no net loss of critical area ecological functions for the entire scope of the development; and~~ ~~2. Not create adverse impacts on other critical area functions.~~ B. <u>When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area ecological functions as conditions of approval for mitigation measures, which may include conservation easements, financial guarantees, and performance monitoring.</u> C. The department shall not approve a development proposal until mitigation and monitoring plans are ~~((in place))~~ <u>established</u> ~~((to mitigate for alterations to critical areas and buffers))~~ <u>and financial guarantees have been posted in accordance with K.C.C. Title 27A.</u> ~~((C.)) D. Whenever mitigation is required, an applicant shall submit a critical area report ((that includes:~~ ~~1. An analysis of potential impacts;~~ ~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~ ~~3. A monitoring plan that includes:~~ ~~a. a demonstration of compliance with this title;~~ ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~ ~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer;~~ ~~(2) the mitigation involves the creation of a wetland; and~~ ~~or~~	(1) Adds that no net loss of ecological function must be achieved by mitigation. (2) Removes requirements for critical area reports.	(1) Updated to align with current version of WAC 365-196-830. (2) Requirements for critical area reports are proposed to be moved to Sections 50 and 51 and expanded.	<i>Section Notes:</i> • This section describes mitigation requirements when alterations impact critical areas. <i>Policy Analysis:</i> • <u>This sentence</u> could be streamlined to state that “Mitigation under this chapter shall be designed to:” • <u>This section</u> combines mitigation sequencing, on-site mitigation, off-site mitigation criteria, and departmental requirements into one paragraph. This section could benefit from being broken into several sections and including cross references to other sections. • Executive staff indicate that <u>comprehensive resource management</u> plans refer to wildlife or species management plans, water quality plans, and other similar plans that identify management priorities that can supported by certain mitigation actions. Council may wish to add a definition or provide examples in code.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~e. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.~~ ~~D.))~~ in accordance with this chapter. E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves ~~((the))~~ all applicable mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections during ~~((any))~~ the monitoring period. ~~((E.))~~ F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan and revised financial guarantee requirements.			
K.C.C. 21A.24.133 - Offsite mitigation standards. <u>SECTION 53.</u> Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows: A. To the maximum extent practical, ~~((an applicant shall mitigate))~~ and after application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the development site. The department may approve mitigation that is off-site ~~((the development site))~~ if an applicant demonstrates that: 1. It is not practical to mitigate on or contiguous to the development proposal site; and 2. The off-site mitigation will achieve equivalent or greater hydrological, water quality, and ~~((wetland or aquatic area))~~ habitat functions. B. When off-site mitigation is authorized, the department shall give priority to locations within the same drainage subbasin as the development proposal site that meet the following: 1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter; 2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ~~((and))~~ or 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~-supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans. C. The department ~~((may))~~ shall require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but is not limited to, a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition. D. The department shall maintain a list of sites available for use for off-site mitigation projects. E.1. ~~((The department and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.))~~ The department may approve mitigation through the King County mitigation reserve program. The program addresses: a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and b. the use of the fees for mitigation on public or private sites that have been ~~((ranked according to ecological criteria through one or more programs that have included a public process))~~ selected using a watershed approach, in accordance with the approved in-lieu fee program instrument. 2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation economy and environment committee or its successor. The report should address the following: a. information on the amount and source of revenues received by the program; b. a description and rationale for projects selected for funding; c. an accounting of budgeted and actual expenditures made; and d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.	Replaces reference to a DNRP program to allow payment of a fee in lieu of providing mitigation on site with the King County mitigation reserve program.	Clarifying update; instead of describing the program, the code proposes to name it.	<i>Section Notes:</i> • This section describes off-site mitigation requirements when allowed in lieu of on-site mitigation. • For off-site mitigation projects, sites that are within the same subbasin are preferred, as they can provide similar ecological, habitat, and hydrological features as the area impacted. • There are different agencies and organizations that operate mitigation programs. Applicants may pay in-lieu fees to offset unavoidable impacts. King County manages the mitigation reserve program, which mitigates wetlands and their buffers, aquatic areas, and riparian areas through restoration, establishment, enhancement, and preservation. • Off-site mitigation standards for specific critical areas can be found in the following sections: ○ K.C.C. 21A.24.340 (page 67) – wetlands ○ K.C.C. 21A.24.380 (page 77) – aquatic areas and riparian areas ○ K.C.C. 21A.24.386 (page 82) – wildlife habitat network <i>Policy Analysis:</i> • This section repeats the language from K.C.C. 21A.24.130 (the row immediately above) and could be streamlined.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
21A.24.137 - Approval of mitigation through mitigation reserves program. The department may approve mitigation to compensate for the adverse impacts of a development proposal to critical areas through [and through use of an in-lieu fee program]*. [or in-lieu fee program]* the King County mitigation reserves program. (Ord. 17539 § 49, 2013: Ord. 17254 § 5, 2012: Ord. 15051 § 152, 2004).	Repealed.	This section is proposed to be incorporated with K.C.C. 21A.24.133.	<i>Policy Analysis:</i> • No issues identified.
21A.24.140 - Financial guarantees. Financial guarantees shall be required consistent with the provisions of Title 27A. (Ord. 12020 § 54, 1995: Ord. 10870 § 461, 1993).	Repealed.	Requirements for financial guarantees have been expanded in K.C.C. 21A.24.130, making this section unnecessary.	<i>Policy Analysis:</i> • No issues identified.
NOTICE ON TITLE AND CRITICAL AREAS TRACTS			
K.C.C. 21A.24.170 - Requirements for Notice of Title on properties which mitigation has been established. <u>SECTION 54.</u> 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 ((e)) 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 <u>on title</u> approved by King County with the records and licensing services division. The notice shall 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; <u>and</u> 4. The existence of approved <u>wetland buffer or riparian area averaging</u> on the property. B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, 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)) <u>critical area review</u> under K.C.C. 21A.24.100.C; or 3. The property only contains a critical aquifer recharge area <u>or an erosion hazard area</u> . D. <u>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:</u> 1. <u>The department, as part of a critical area review of a permit application, determines the information contained in an existing notice on title is no longer accurate because information about a critical area has changed, such as in its type or location; or</u> 2. <u>An ordinance adopted an updated critical areas map indicating a reclassification or declassification of the critical area on the subject property.</u>	(1) Adds the requirement for approved wetland buffers or riparian area averaging information to be included on notices on title. (2) Sets standards by which the department may remove or amend information on notices on title.	(1) Added to allow prospective property buyers to know if the buffers or riparian areas have been modified from their standard application, as it affects where they may be able to alter the property. (2) This section is proposed to provide a process for landowners to amend or update an existing notice on title.	<i>Section Notes:</i> • This section describes when a notice on title must be recorded on a property. <i>Policy Analysis:</i> • The Council may also wish to <u>add “buffer reductions” to this list</u>, as they may affect a property’s ability to redevelop in the future. • As drafted, it appears that a <u>critical area review must be part of a permit application to determine that information on a notice on title is no longer accurate</u>. Executive staff indicate that property owners could submit for a critical area determination to revise or remove a notice on title. Council may wish to clarify this provision. • The <u>County adopts maps</u> for some critical areas including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, and flood hazard areas. These maps serve as sources of information during the critical area determination and review processes. Because not all critical area maps are officially adopted (such as wetlands), Council may wish to clarify which maps are included here to avoid conflict on which maps take precedent over a written determination.
K.C.C. 21A.24.180 - Criteria for establishing critical area tracts. <u>SECTION 55.</u> Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:	(1) Adds Riparian areas, alluvial fan hazard areas that are one acre or	(1) Riparian areas are proposed to be added to reflect the update in	<i>Section Notes:</i> • This section describes what critical areas must be placed in a tract when a

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
A. ~~((The applicant))~~ Critical area tracts established under this section protect with the goal of enhancing critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. <u>Development proposals for subdivisions, short subdivisions, or binding site plans shall establish and identify critical area tracts</u> to delineate and protect ~~((those))~~ critical areas and <u>associated buffers</u> listed ~~((below in development proposals for subdivisions, short subdivisions or binding site plans))~~ in subsection A.1. through 7. of this section, and shall record the tracts on all documents of title of record for all affected lots: ~~((A1-f))~~ Landslide hazard areas and buffers that are one acre or more in size; ~~((A1-s))~~ Steep slope hazard areas and buffers that are one acre or more in size; ~~((A1-w))~~ Wetlands and buffers; ~~((and))~~ ~~((A1-a))~~ Aquatic areas ~~((and buffers))~~; <u>Riparian areas</u>; <u>Alluvial fan hazard areas that are one acre or more in size; and</u> <u>Wildlife habitat networks</u>. B. A critical area tract established under subsection A. of this section shall be <u>either</u>: ~~((h))~~ Held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot~~((s))~~; or ~~((shall be h))~~ Held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract. C. ~~((The long term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.))~~ The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan. D. <u>For an off-site critical area mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.</u> E. In lieu of the requirements of subsections A. <u>and D.</u> of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The <u>resource tract management plan</u> shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff. ~~((E-))~~ F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate: ~~((A1-f))~~ Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230; - Landslide, volcanic, <u>tsunami</u>, coal mine, <u>alluvial fan</u>, and steep slope hazard areas; - Aquatic areas, <u>riparian areas</u>, and wetlands; - Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks; <u>Critical area</u> ~~((B))~~ buffers; and ~~((Building))~~ <u>Critical area</u> setbacks as required by K.C.C. 21A.24.200. ~~((F-))~~ G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.	more in size, and wildlife habitat networks to the list of areas that must be protected by critical area tracts. (2) Requires off-site critical area mitigation areas to either be placed in a critical area tract or perpetual conservation easement.	terminology to "riparian area" from "aquatic area buffer," which were already included in this list. Alluvial fan hazard areas are proposed to be added to reflect that they are defined as a type of Geologically Hazardous Area now, and no longer under the umbrella of Landslide Hazard Areas, which were already included in this list. Given their unsuitability for new buildable lots, they should be included in this list of areas that should be kept in a tract. Wildlife habitat networks are proposed to be added to match current practice and existing intent. (2) Ensures long-term protection of mitigation and provides options for protecting off-site mitigation areas that reflect their varying circumstances, e.g., ownership by private individual, conservation group, public property etc.	subdivision, short subdivision, or binding site plan occurs. <u>Critical area tracts</u> are only required when certain critical areas are present on land that is being divided (subdivision, short subdivision, binding site plans). Commercial developments or single detached dwelling units may be required to record an easement consistent with other sections of code, but separate tracts are not required. <i>Policy Analysis:</i> <u>Landslide, steep slope, and alluvial fan hazard areas</u> and their buffers are only required to be placed in a tract when the area is 1 acre or larger. This is a policy choice. <u>Riparian areas</u> are proposed to be increased in other sections of this proposed ordinance through wider buffer widths and the inclusion of the severe channel migration hazard area. Subdivisions, short subdivisions, and binding site plans on sites with riparian areas are likely to have more of the site placed in a tract under the proposed ordinance. This is a policy choice. <u>Wildlife habitat networks</u> are added as a critical area that would require a tract. <u>Existing code</u> allows wildlife habitat networks to be in a setback area or in a tract. This is a policy choice. <u>"Resource tract management plan"</u> is not a term used elsewhere in code. It refers to farm management or forest stewardship plans. Council may wish to clarify this. <u>Subsection F.</u> discusses site plan requirements that are not part of a critical area tract and is repeated in other sections. Council may wish to remove this subsection or simplify it to only those relevant to a tract.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
K.C.C. 21A.24.200 - Establishes building setbacks from critical area buffers. SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows: Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures shall be set back a minimum distance of fifteen feet from the edges of all critical area buffers, or from the edges of all critical areas~~((, if no buffers are required))~~ where buffers are not required. ~~((When the))~~ If site disturbance is within a critical area or an associated buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building footprint))~~ edge of the structure to the edge of the approved site disturbance. The following are allowed in the ~~((building))~~ critical area setback area: A. Landscaping; B. Uncovered decks less than eighteen inches above grade; C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area; D. Impervious ground surfaces, such as driveways and patios~~((, but the))~~; however, improvements are required to meet any special drainage provisions specified in public rules adopted for ~~((the various))~~ critical areas and the King County Surface Water Design Manual; E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and F. Minor encroachments if adequate protection of the buffer will be maintained.	(1) Changes the term "building setback" to "critical area setback." (2) Specifies that uncovered decks within critical area setback may only be less than 18 inches above grade.	(1) Updating the term to "critical area setback" reduces the risk of confusion with the setbacks required by zoning standards in K.C.C. Chapter 21A.12, to which different standards apply. (2) Uncovered deck standard proposed to be revised for consistency with zoning requirements regarding encroachment into setbacks, and to allow for additional area to build and maintain "uncovered decks less than eighteen inches." Low decks function more like a patio (already allowed by subsection D. of this section) but high decks typically require a construction/ maintenance perimeter like a house would.	• Critical area setbacks are required in addition to buffers. This serves as an area where some site improvements can occur as well as an area for maintenance of structures without a property owner having to enter a buffer to complete the work. How the County chooses to apply a critical area setback, its width (currently 15 feet), and what is permitted in the setback is a policy choice.
CHANNEL MIGRATION ZONES			
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.181E Channel migration hazard area, moderate. Channel migration hazard area, moderate: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, that lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone. (Ord. 15051 § 17, 2004). K.C.C. 21A.06.181G Channel migration hazard area, severe. Channel migration hazard area, severe: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, in which there is a higher level of channel migration hazard due to a high likelihood of continued, progressive bank erosion, rapid shifting of channel location or other imminent channel changes. (Ord. 17485 § 14, 2012: Ord. 15051 § 18, 2004).	Not included in proposed ordinance	Not included in proposed ordinance	Section Notes: • This section is not part of the proposed ordinance – it is included in this matrix for reference. • Channel migration zones can either be classified as “moderate” or “severe”.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
K.C.C. 21A.06.182 Channel migration zone. Channel migration zone: the area along a river channel within which the channel can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings, as follows: A. In areas located outside King County's shoreline jurisdiction, channel migration zones are as shown on King County's Channel Migration Zone maps. In those areas, "channel migration zone" means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area; B. In areas located in King County's shoreline jurisdiction, the channel migration zone include: 1. Areas shown on King County's Channel Migration zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area; and 2. Areas not shown on King County's Channel Migration Zone maps but located within the floodplain. (Ord. 17485 § 15, 2012: Ord. 16985 § 130, 2010: Ord. 15051 § 19, 2004: Ord. 11621 § 20, 1994).			- Channel migration zones are classified as both a flood hazard area and a geologically hazardous area. - DNRP and DLS issued public rules for channel migration designation and mapping.
K.C.C. 21A.24.275 - Establishes standards for channel migration zones. <u>SECTION 58.</u> Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule: A. The development standards that apply to the ((aquatic area buffers)) <u>riparian areas</u> in K.C.C. 21A.24.365 also apply to the severe channel migration ((zone)) <u>hazard areas</u> and the portion of the moderate channel migration ((zone)) <u>hazard areas</u> that is within the ((aquatic area buffer)) <u>riparian areas</u>. The more-restrictive standards apply where there is a conflict; B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area: 1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk; 2. New primary dwelling units, accessory dwelling units or accessory living quarters, and required infrastructure, are allowed if: a. the structure is located on a separate lot in existence on or before February 16, 1995; b. a feasible alternative location outside of the channel migration hazard area is not available on-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)) <u>a riparian area</u> if: a. All lots contain five-thousand square feet or more of buildable land 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.	Replaces term "aquatic area buffer" with "riparian area."	Technical change to use consistent terminology throughout code.	<i>Section Notes:</i> - This section establishes specific standards in channel migration zones. <i>Policy Analysis:</i> “separate lot” could be changed to “legally established lot” for clarity. “buildable land” could be changed to “net buildable area” for clarity. Access to lots in a subdivision cannot cross the moderate channel migration hazard area. However, private roads are allowed in a severe channel migration hazard area, which is more susceptible to channel migration in the next 25 to 50 years. Council may wish to consider whether the same protections should be applied to severe channel migration hazard areas. This is a policy choice.
GEOLOGICALLY HAZARDOUS AREAS			
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 21.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or other geological events. Areas classified as geologically hazardous areas include one or more of the following:	Adds definition for “Geologically hazardous area.”	Added to mirror the terminology used in Chapter 365-190 WAC, which sets the guidelines for	<i>Policy Analysis:</i> Alluvial fan and tsunami hazard areas are new critical areas under this update. Under state law, they are designated as a landslide hazard area and seismic hazard area,

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
A. Alluvial fan hazard areas; B. Channel migration zones; C. Coal mine hazard areas; D. Erosion hazard areas; E. Landslide hazard areas; F. Seismic hazard areas; G. Steep slope hazard areas; H. Tsunami hazard areas; and I. Volcanic hazard areas.		classifying critical areas.	respectively. They are not required to be designated separately as a critical area under state law. This is a policy choice.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 7.</u> 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.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Alluvial fan.”	There are existing and proposed code standards regulating alluvial fans, but no definition of this term.	No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 8.</u> 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.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Alluvial fan hazard area.”	There are proposed code standards regulating alluvial fans, but no definition of this term.	<i>Policy Analysis:</i> Alluvial fan hazard areas are designated as a new critical area under this update, but are also classified as a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to clarify how both sets of regulations apply to alluvial fan hazard areas by: 1) separating landslide hazard areas from alluvial fan hazard areas, which could be accomplished by adding any landslide hazard regulation into the alluvial fan hazard regulations and modifying any necessary sections, 2) clarifying cross references between both hazard areas in the definitions and regulations, or 3) deleting alluvial fans as a separate critical area, classifying them as a landslide hazard area, and moving any proposed regulations under the appropriate critical area.
K.C.C. 21A.06.200 - Defines "Coal mine hazard area” <u>SECTION 12.</u> Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows: Coal mine hazard area: an area <u>directly</u> underlain, <u>adjacent to</u> , or ~~((directly))~~ affected by operative or abandoned subsurface coal mine workings <u>such as adits, tunnels, drifts, or air shafts.</u>	Updates definition to specify the locations where this definition applies and provides examples.	Updated to align with WAC 365-190-030(12) - Definition of mine hazard area.	No issues identified.
K.C.C. 21A.06.415 - Defines “Erosion hazard area” <u>SECTION 18.</u> Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows: Erosion hazard area: ~~((an))~~ a geologically hazardous area underlain by soils that ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard <u>according</u>	(1) Updates definition to note that erosion hazard areas are a type of geologic hazard area and to	(1) Clarifies language to reflect existing intent. (2) The definition is updated to clarify	<u>This sentence</u> could be revised to more clearly differentiate how erosion hazard areas are classified, either through soil surveys or instances of specific soil types.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
to the United States Department of Agriculture ((Soil)) <u>Natural Resources</u> Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on slopes inclined at fifteen percent or more: A. The Alderwood gravely sandy loam ("AgD"); B. The Alderwood and Kitsap soils ("AkF"); C. The Beausite gravely sandy loam ("BeD" and "BeF"); D. The Kitsap silt loam ("KpD"); E. The Ovall gravely loam ("OvD" and "OvF"); F. The Ragnar fine sandy loam ("RaD"); and G. The Ragnar-Indianola Association ("RdE").	make technical updates.	the relationship between erosion hazard areas and geologic hazard areas. (3) The USDA Natural Resource Conversation Service agency name is updated to reflect its current name.	
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.680 - Landslide hazard area. Landslide hazard area: an area subject to severe risk of landslide, such as: A. An area with a combination of: 1. Slopes steeper than fifteen percent of inclination; 2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and 3. Springs or ground water seepage; B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch; C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; D. An area that shows evidence of or is at risk from snow avalanches; or E. An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.	Not included in proposed ordinance	Not included in proposed ordinance	<i>Policy Analysis:</i> Alluvial fan hazard area is a new critical area under this update. This definition includes alluvial fan hazard areas as a landslide hazard, with slightly different terminology. This would mean that alluvial fan hazard areas are also subject to their own regulations as well as the landslide hazard area regulations. Refer to the alluvial fan hazard area definition (page 46) for a discussion on policy options. How to address alluvial fans is a policy choice – see the alluvial fan definition for discussion.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.1045 Seismic hazard area. Seismic hazard area: an area subject to severe risk of earthquake damage from seismically induced settlement or lateral spreading as a result of soil liquefaction in an area underlain by cohesionless soils of low density and usually in association with a shallow groundwater table. (Ord. 15051 § 95, 2004: Ord. 10870 § 249, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.1230 Steep slope hazard area. Steep slope hazard area: an area on a slope of forty percent inclination or more within a vertical elevation change of at least ten feet. For the purpose of this definition, a slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. Also for the purpose of this definition: A. The "toe" of a slope means a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "toe" of a slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty five feet; and B. The "top" of a slope is a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "top" of a slope is the upper-most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet. (Ord. 15051 § 101, 2004: Ord. 10870 § 286, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 34.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but not limited to, those areas shown on the Washington Geological Survey Digital Data Series 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.	Adds definition for “Tsunami hazard area.”	The CAO Update scope included adding standards for tsunami hazard areas, identified by BAS as needing protection. This definition is added to make clear where protective standards should apply and is responsive to changes made to WAC 365-190-030 since the County's last CAO update.	<i>Policy Analysis:</i> This definition could be clarified to: • Identify what “those areas” refers to on the Geological Survey. • The tsunami hazard area standards in Section 62 of the ordinance identifies maps for designating these areas but does not reference the same maps. That section could be modified to refer to this definition for consistency. • The latest version as of March 2025 is October 2024, version 2.1.
K.C.C. 21A.06.1370 - Defines "Volcanic hazard area" <u>SECTION 35.</u> Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows: Volcanic hazard area: ((an)) a geologically hazardous area subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars, or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.	(1) Notes that Volcanic hazard areas are types of Geologically hazardous areas. (2) Adds additional descriptions of what is included in a Volcanic hazard area, such as areas subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows.	Language expanded for consistency with WAC 365-190-030 and WAC 365-190-120(8)(a).	• No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 22.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Geological professional: a geotechnical engineer or geologist, licensed in Washington state and experience in analyzing geologic, hydrologic, and ground water flow systems, as well as, preparing reports for the relevant geological subdisciplines.	Adds definition for “Geological professional”.	Added to explain the relationship between the terms "geotechnical engineer" and "geologist", which are currently used and defined in existing code.	• No issues identified.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 16.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Debris flow: a moving mass of rock fragments, soil, and mud, with more than half of the particles being larger than sand size.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Debris flow.”	Adds a definition for this term, which is used in existing and proposed code provisions.	• No issues identified.
K.C.C. 21A.24.205 - Establishes standards for coal mine hazard areas. <u>SECTION 57.</u> Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:	Updates terminology to specify that a geological critical area	Technical change to use consistent	<i>Policy Analysis:</i>

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
Based upon a <u>geological</u> critical area report containing a coal mine hazard assessment (~~((prepared in accordance with this chapter))~~), the department shall classify coal mine hazard areas as follows: A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface; B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by(~~(;~~))overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.	report is the basis on which the department classifies coal mines.	terminology throughout code.	• This section and K.C.C. 21A.24.210 could be recodified to be located with other geologically hazardous area standards.
K.C.C. 21A.24.280 - Establishes standards for landslide hazard areas. <u>SECTION 59.</u> 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; 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 <u>geological</u> critical area report (~~((prepared by a geotechnical engineer or geologist))~~). 2. If a <u>geological</u> critical area report is not submitted to <u>or required by</u> the department, the minimum buffer (~~((is))~~) <u>shall be</u> 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))~~ <u>critical area setback in K. C. C. 21A.24.200 to one-hundred feet.</u> 4. <u>For development permits associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area;</u> C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited; D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; and E. Alterations in a landslide hazard area located on a slope less than forty percent are allowed if: 1. <u>The proposed alteration will not decrease slope stability on contiguous properties; and</u> 2. <u>The risk of property damage or injury resulting from landsliding is eliminated or minimized.</u>	(1) Updates terminology to specify that a geological critical area report is needed to determine the size of a required buffer. (2) Adds option for the department to waive the requirement for a geological critical area report for single detached dwelling units.	(1) Technical change to use consistent terminology throughout code. (2) The option to waive a geological critical area report would align the code with current practice and provide clarity on department authority to alter buffers without requiring a report when it can conclude the alteration will provide adequate protection without a report as a relief to property owners.	<i>Policy Analysis:</i> • It is unclear why the 100-foot width is a <u>critical area setback instead of a buffer</u>. Critical area setbacks typically allow some landscaping and other activities, whereas buffers are preserved as native vegetation. This code is existing language and when asked, Executive staff were not familiar with the original rationale for this language. This is a policy choice. • Executive staff indicate that <u>this waiver of the critical area report</u> is consistent with the steep slope hazard area waiver and would provide relief for minor residential projects. Executive staff indicate that a waiver could be used in areas with no evidence of ongoing instability and on slope heights less than 50 feet. Staff would review publicly available data to determine that a buffer reduction is appropriate. The code does not set a maximum reduction, meaning that buffers could be 0 feet; however, Executive staff indicate that DLS has only provided minor reductions supported by soil and slope data. Whether to prescribe additional parameters is a policy choice. • <u>These standards</u> could be applied to all alterations in a landslide hazard area, regardless of whether slopes are less than 40 percent. This is a policy choice.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
K.C.C. 21A.24.290 - Establishes standards for seismic hazard areas. <u>SECTION 60.</u> 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))~~ <u>where potential seismic hazard areas are mapped</u>: A. The department may approve alterations <u>to mapped seismic hazard areas</u> only if: 1. The <u>geological critical area report containing an</u> evaluation of site-specific subsurface conditions shows that the proposed development site ~~((is not located in))~~ <u>does not meet the definition of</u> 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 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.	(1) Updates terminology to specify that a geological critical area report is needed to verify that a site does not meet the definition of a seismic hazard area. (2) Updates section to apply to mapped seismic hazard areas.	(1) Technical change to use consistent terminology throughout code. (2) Corrects logic error in code, which previously said that alterations to seismic hazard areas could be approved if site-specific study showed that the site was not located in a seismic hazard area. Updates section to clarify distinction between mapped seismic hazard areas, and areas confirmed to qualify as seismic hazard areas after site-specific investigation.	<i>Section Notes:</i> • The last update to the potential seismic hazard area was in 1990. The state developed countywide mapping identifying liquefaction susceptibility and earthquake hazard site class maps; however, these are not intended to be used at scales greater than the source data, which is at a countywide scale rather than at a parcel scale. <i>Policy Analysis:</i> • <u>This phrase</u> is duplicative to the sentence to the added language above (“<u>where potential seismic hazard areas are mapped</u>”) and could be deleted.
K.C.C. 21A.24.XXX - New Section <u>NEW SECTION, SECTION 61.</u> 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 <u>alluvial fan hazard areas</u>: A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas; B. <u>A geological critical area report is required for development proposals that are on an alluvial fan or within fifty feet of an alluvial fan;</u> C. Proposed alterations shall not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties; D. The risk of property damage or injury on the subject property from inundation, sedimentation, channel migration, or erosion as a result of a proposed alteration shall be eliminated or minimized; and E. The proposed alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.	Adds standards for alluvial fan hazard areas (AFHA).	Adds new section on AFHAs to enable regulation to protect public health and safety as required by WAC 365-196-830. AFHAs are currently regulated under the umbrella of landslide hazard areas; the new standards are proposed to be modeled on the format of other geologically hazard area code sections and are tailored to the specific risks of AFHAs, using the best available science.	<i>Section Notes:</i> • This section would establish new standards for alluvial fan hazard areas. <i>Policy Analysis:</i> • Under the proposed ordinance, <u>alluvial fan hazard areas</u> are called out separately as a critical area but are also a type of landslide hazard area. This would mean that they are required to meet both the alluvial fan and landslide hazard area requirements. Under state law, it is designated as a landslide hazard area, and it is not required to be designated as a separate critical area. Council may wish to create clarity between these regulations, such as 1) creating cross-references to clarify that alluvial fan hazard areas must also meet the standards for landslide hazard areas, 2) adding landslide hazard regulations into this section, or 3) consolidating this section into the landslide hazard area standards.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			Geological critical area report is required when a development is in an alluvial fan or within 50 feet of an alluvial fan. This number is carried over from the landslide hazard area regulations. Council may wish to consider whether this number is appropriate, if it should be widened, or if language should be added to provide DLS the discretion to expand the width.
K.C.C. 21A.24.XXX - New Section <u>NEW SECTION. SECTION 62.</u> There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. This section applies to development proposals on sites that are within tsunami hazard areas. B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16. C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible. D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practicable, which may include, but is not limited to, preparation of a tsunami evacuation plan.	Adds standards for tsunami hazard areas.	Tsunami hazard area standards are proposed to be added code in order to align with changes made to WAC 365-190-030 since the County's last CAO update. The proposed tsunami hazard area standards incorporate the Department of Commerce guidance by promoting an avoidance-first approach and by requiring development to be outside of harm's way if feasible, before it can be allowed in the tsunami hazard area. Tsunamis arrive unpredictably and can be extremely forceful, and engineering is limited in its ability to mitigate harm. Therefore, local governments typically regulate by promoting avoidance as the first and preferred option. New critical facilities also are required to take an avoidance first approach, but these have the added	<i>Section Notes:</i> - This section would establish new standards for tsunami hazard areas. Tsunami hazard areas are identified on the flood insurance rate maps or tsunami inundation maps. <i>Policy Analysis:</i> - Tsunami hazard area is a new critical area under this update. with specific alteration allowances. Inclusion of these new critical areas is a policy choice. - The definition of tsunami hazard area identifies maps for designating these areas but does not use the same set of maps. This sentence could be deleted, as it is covered under the definition, or it should be updated to be consistent. - This building code reference refers to DNR maps adopted in the state building code. Council could consider clarify what “relevant requirements” refers to for applicants. - Whether new critical facilities (such as schools, personal care facilities, bridges, or storage of hazardous waste) can be built inside a tsunami hazard area is a policy call. - Executive staff indicate that a tsunami evacuation plan would be developed by the applicant, similar to a fire evacuation plan.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
		requirement of being designed to minimize risk and danger to public health and safety. These types of facilities are required to meet a higher standard because of their unique role in providing services.	
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.24.300 Volcanic hazard areas - development standards and alterations. The following development standards apply to development proposal and alterations on sites containing volcanic hazard areas: A. Within volcanic hazard areas located along the White river upstream from Mud Mountain dam: 1. Critical facilities, apartments, townhouses or commercial structures are not allowed; 2. all new lots created by subdivision, short subdivision or binding site plan shall designate building areas and building setbacks outside of the volcanic hazard area; and 3. The notice of critical areas required under this chapter is required for new single detached dwellings on existing lots; B. Within volcanic hazard areas located along the White river downstream from Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate development proposals for critical facilities for risk of inundation or flooding resulting from mudflows originating on Mount Rainier. The applicant shall design critical facilities to withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric Electron mudflow; and C. This section does not apply until King County has refined the mapping of volcanic hazard areas in cooperation with the United State Geological Survey and adopted volcanic hazard area maps by public rule. (Ord. 17539 § 55, 2013: Ord. 15051 § 169, 2004: Ord. 10870 § 477, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.310 - Establishes standards for steep slope hazard areas. <u>SECTION 63.</u> Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas: A. Except as provided in subsection D. of this section, 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 steep slope hazard area <u>or associated buffer</u>; B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a <u>geological</u> critical area report prepared by a ~~((geotechnical engineer or geologist))~~ <u>geological professional</u>. The <u>department of local services shall adopt a public rule</u> to implement this subsection, including implementing the requirements for development and review of a <u>geological</u> critical area report. 1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area: a. The <u>geological</u> critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the <u>next fifty years</u> and a recommended buffer; b. If a <u>geological</u> critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet; 2. For all other development not identified in subsection B.1. <u>of this section</u>: a. If a <u>geological</u> critical area report is not submitted to the department, the minimum buffer shall be fifty feet; and b. For ~~((building))~~ permits ~~((for))~~ <u>associated with</u> single detached dwelling units only, the department may <u>waive the</u> ~~((special study))~~ <u>geological critical area report</u> requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the <u>geological</u> critical area;	(1) Updates terminology to specify that a geological critical area report is needed to determine buffer size. (2) Clarifies that this code section applies to associated buffers, not just steep slope hazard areas.	(1) Technical change to use consistent terminology throughout code. (2) Maintains internal consistency with K.C.C. 21A.24.045, which lists allowed alterations to steep slope hazard areas and buffers, and with internal practice.	<i>Section Notes:</i> • This section establishes standards for steep slope hazard areas. Steep slopes are areas with 40% or more grade with a vertical height of at least 10 feet. <i>Policy Analysis:</i> • Where there is overlap, this section could be made consistent with the language in K.C.C. 21A.24.280, which concerns standards for landslide hazard areas. • The <u>public rule</u> is in progress. Executive staff indicate that DLS intends to provide guidance documents for addressing each geologically hazardous area and that this information may be adopted by public rule. DLS currently implements standard practices that may be incorporated into the public rule. These standards are typically

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; and D. ~~((All a))~~Alterations ~~((are))~~ may be allowed in the following circumstances: 1. Slopes ~~((which))~~ <u>that</u> are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on King County's review of and concurrence with a ~~((soils))~~ <u>geological critical area</u> report prepared by a ~~((geologist or geotechnical engineer))~~ <u>geological professional</u>; and 2. The approved regrading of any slope ~~((which))~~ <u>that</u> was created through previous legal grading activities. Any slope ~~((which))~~ <u>that</u> remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.			codified by other jurisdictions but are not codified by the County. It is a policy choice whether to require the implementation through a public rule, or to do so through the code. - Executive staff indicate that 50 years is a reasonable timeframe for assessing risk, given the confidence in sea level projections through the middle of the century. Executive staff also indicate that work is underway to complete a coastal hazards vulnerability assessment based on sea level rise projections on a 50+ year time horizon. - Subsection D. allows other alterations besides those identified in Subsections A. and C. Council may wish to restructure this section for clarity, so alterations are in one location. - Executive staff indicate that this waiver of the critical area report provides relief for minor residential projects. Executive staff indicate that a waiver could be used in areas with no evidence of ongoing instability and on slope heights less than 50 feet. Staff would review publicly available data to determine that a buffer reduction is appropriate. The code does not set a maximum reduction, meaning that buffers could be 0 feet; however, Executive staff indicate that DLS has only provided minor reductions supported by soil and slope data. Whether to include specific considerations or criteria for reductions are a policy choice.
CRITICAL AQUIFER RECHARGE AREAS (CARAs)			
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.253C Critical aquifer recharge area. Critical aquifer recharge area: an area designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 that has a high susceptibility to ground water contamination or an area of medium susceptibility to ground water contamination that is located within a sole source aquifer or within an area approved in accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or district drinking water system, or an area over a sole source aquifer and located on an island surrounded by saltwater. Susceptibility to ground water contamination occurs where there is a combination of permeable soils, permeable subsurface geology and ground water close to the ground surface.	Not included in proposed ordinance	Not included in proposed ordinance	Section Notes: Critical aquifer recharge areas (CARAs) are areas within a sole source aquifer or a wellhead protection area for potable water systems and are susceptible to groundwater contamination. Policy Analysis:

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			• The definition could be updated in the proposed ordinance to change “an island surrounded by saltwater” to “Vashon-Maury Island” for clarity and consistency throughout the code.
K.C.C. 21A.24.311 - Adopts King County's Critical Aquifer Recharge Area map. <u>SECTION 64.</u> Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows: The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, unless a designation is modified by notices of map amendment prepared according to K.C.C. 21A.24.312, in which case the notice of map amendment shall supersede the map.	Adds that the CARA map is superseded by approved notices of map amendments prepared according to K.C.C. 21A.24.312.	Because the adopted CARA map is not updated after the issuance of every notice of map amendment (which are based on field-verified information), this code proposed update clarifies that the latest available information on CARAs be used, incorporating notices of map amendment. This ensures the latest, most accurate available information is used on the official adopted map.	<i>Section Notes:</i> • Ordinance 17485 was the 2012 update to the critical area regulations, which adopted the most current CARA map. Executive staff state that they anticipate updating the maps in the 2026-2027 biennium, subject to funding and staffing. • Notice of map amendments would provide more granular site-specific information, which would be more accurate than an area-wide map. • The BAS report indicates that the County’s existing methodology from 2004 for delineating CARAs matches Ecology guidance and that no updates are proposed (page 156). <i>Policy Analysis:</i> • It may be clearer to state “as modified by notices of map amendments in accordance with K.C.C. 21A.24.312.”
K.C.C. 21A.24.312 - Establishes processes for classifying, reclassifying, and declassifying areas on CARA maps if a site-specific study concludes a different classification is appropriate for the site. <u>SECTION 65.</u> Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows: <u>A.</u> 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 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. <u>B.</u> 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, the property owner's representative, if applicable, and the county assessor.	Adds a provision requiring that a notice of map amendment for the affected parcels be sent by DNRP to the property owner.	Ensures that reclassification information is conveyed to the correct parties, so that the latest, most accurate available information is used.	<i>Section Notes:</i> • This section describes how a CARA designation could be changed on a site. <i>Policy Analysis:</i> • Subsection A. does not fully connect with A.1. through A.3. The portion highlighted in blue could be deleted, or additional text could be added for clarity.
K.C.C. 21A.24.313 - Describes the categorization of CARAs. <u>SECTION 66.</u> 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:	Replaces the term "an island that is surrounded by	Clarifies the geography that is intended to be addressed in this code section.	<i>Section Notes:</i> • There are three categories of CARAs based on groundwater contamination

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are: 1. Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or 2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one_year time of travel to a wellhead for a Group A water system; B. Category II critical aquifer recharge areas include those mapped areas that King County has determined: 1. Have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area; or 2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) <u>Vashon-Maury Island</u>.	saltwater" with "Vashon-Maury Island."		susceptibility and location over an aquifer or wellhead protection area. This section describes the different categories of CARAs. <i>Policy Analysis:</i> • The County is required by state law to classify CARAS based on aquifer vulnerability. Vulnerability is the combination of hydrogeological susceptibility to contamination and the contamination loading potential. Vulnerability can be classified as “high” or “low.” • The CARA classifications in this proposed ordinance are not updated to include aquifer vulnerability designations. At the time of the public review draft in March 2024, the Executive proposed changes to this code section that would classify CARA categories by the vulnerability levels shown on the adopted CARA maps. Council staff noted that adopted CARA maps did not actually identify vulnerability, which may pose issues for implementation. Executive staff indicated that CARA maps are anticipated to be updated, but they are not part of this proposed ordinance. • The BAS report states “King County is making minor changes to the K.C.C. to clarify that CARA is classified according to aquifer vulnerability as required by the state. Updates to the K.C.C. are not expected to meaningfully change critical area protections for CARA or effect County permit processing. Updates clarify that CARA is classified according to aquifer vulnerability, bringing the K.C.C. up to date with state requirements. The BAS report continues to support the County’s methodology for delineating CARA” (page 158). Council staff note that this proposed ordinance does not actually include these changes and is not consistent with the BAS report. County protections for CARAs are

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			not anticipated to be substantially affected without the update. This is a policy choice.
21A.24.314 - Critical aquifer recharge areas - King County Code provisions adopted - Washington state underground tank provisions implemented. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 16.82, 21A.06, 21A.16, 21A.22 and 21A.24 and K.C.C. 17.04.010. For the purposes of RCW 90.76.040, King County declares critical aquifer recharge areas to be environmentally sensitive areas. (Ord. 16852 § 2, 2010: Ord. 15051 § 176, 2004: Ord. 11481 §§ 3, 5, 1994. Formerly K.C.C. 20.70.030).	Repealed.	Proposed for removal because this section is more appropriate as a finding rather than codified. This section has been added as a finding in this ordinance.	<i>Section Notes:</i> - This section is proposed for repeal. This information is now in a finding of this proposed ordinance (which itself may not be needed). <i>Policy Analysis.</i> - No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.24.315 Board of Health regulations adopted. The following Titles of the Code of King County Board of Health are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Title 10 "King County Solid Waste Regulations", Title 12 "King County Public Water System Rules and Regulations", and Title 13 "On-Site Sewage Disposal Systems." (Ord. 15051 § 177, 2004: Ord. 11481 § 4, 1994. Formerly K.C.C. 20.70.040).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.316 - Establishes development standards for CARAs. <u>SECTION 67.</u> Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas: A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area: 1. Transmission pipelines carrying petroleum or petroleum products; 2. Sand and gravel, and hard rock mining unless: a. the site has mineral zoning as of January 1, 2005; or b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department; 3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply; 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW; 5. Hydrocarbon extraction; 6. Commercial wood treatment facilities on permeable surfaces; 7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((70.105)) <u>70A.300</u> RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17; 8. Above-ground storage tanks for hazardous substances, as defined in chapter ((70.105)) <u>70A.300</u> RCW, unless protected with primary and secondary containment areas and a spill protection plan; 9. Golf courses; 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)) <u>Seattle & King County</u> determines that the systems required under subsection A.13.a. of this section will not function on the site.	(1) Updates WAC sections cited by the code. (2) Updates the name of "public health – Seattle & King County." (3) Replaces the term "an island that is surrounded by saltwater" with "Vashon-Maury Island."	(1) WAC sections cited in this K.C.C. section have been recodified; this code update cites the correct WAC sections. (2) Updated to use the current, correct agency name. (3) Clarifies the geography that is intended to be addressed in this code section.	<i>Section Notes:</i> - This section describes what activities are allowed in CARAs. <i>Policy Analysis:</i> Mining is not identified as an allowed use in K.C.C. 21A.08. This could be changed to mineral extraction.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
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. <u>Underground storage tanks with hazardous substances, as defined in chapter 70.105 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</u> b. For a category II critical aquifer recharge area located over an aquifer underlying <u>((an island that is surrounded by saltwater)) Vashon-Maury Island</u>, 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 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 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. <u>((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.</u> 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 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 <u>((70.105)) 70A.300 RCW</u>, 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 <u>((70.105)) 70A.300 RCW</u>, 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-<u>360A</u> 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 the urban growth 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:			• This RCW does not exist, and the code should be updated to chapter 70A.300 RCW. • This RCW does not exist, and the code should be updated to chapter 70A.384 RCW.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
1. No new groundwater wells are permitted within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((family)) <u>detached</u> residence if the requirements of ((K.C.C.)) <u>King County Board of Health Code BOH 13.04.070</u> 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 <u>sea level rise conditions anticipated to occur over the next fifty years</u>; and 3. 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. The owner shall report the results of the test to ((~~Seattle King County department of~~) public health – <u>Seattle & King County</u> and to the department of natural resources and parks. 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 - <u>Seattle & King County</u>, <u>shall recommend appropriate measures</u> 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 <u>an</u> ((~~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 <u>70A.355.030</u> and WAC ((~~173-360-530~~)) <u>173-360-0130</u>.			- Executive staff indicate that <u>50 years</u> is a typical timeframe for assessing sea level rise. This is a policy choice. - As written, the code language <u>does not indicate what happens after recommendations are made</u>. Executive staff indicate that a property owner is required to take the appropriate measures, maintain the system, and place a notice on title. Council may wish to clarify the owner responsibilities. <u>This RCW</u> does not exist, and the code should be updated to WAC 173-360A-0130.
WETLANDS AND WETLAND BUFFERS			
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.1391 Wetland. 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. [A]* flow control facilities or wetponds; 5. Wastewater treatment facilities; 6. Farm ponds; 7. Landscape amenities; or 9. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. K.C.C. 21A.06.1392 Wetland complex. Wetland complex: a grouping of two or more wetlands, not including grazed wet meadows, that meet the following criteria: A. Each wetland included in the complex is within five hundred feet of the delineated edge of at least one other wetland in the complex; B. The complex includes at least: 1. one wetland classified category I or II; 2. three wetlands classified category III; or 3. four wetlands classified category IV; C. The area between each wetland and at least one other wetland in the complex is predominately vegetated with shrubs and trees; and	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> These sections are not part of the proposed ordinance – they are included in this matrix for reference.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
D. There are not any barriers to migration or dispersal of amphibian, reptile or mammal 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. (Ord. 15051 § 112, 2004). K.C.C. 21A.06.1393 Wetland creation. Wetland creation: For purposes of wetland mitigation, the manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities to create a wetland typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils and support the growth of hydrophytic plant species. Wetland creation results in a gain in wetland acres. (Ord. 15051 § 113, 2004). K.C.C. 21A.06.1395 Wetland edge. Wetland edge: the line delineating the outer edge of a wetland, consistent with the wetland delineation manual required by RCW 90.58.380. (Ord. 19034 § 22, 2019: Ord. 15051 § 114, 2004: Ord. 11977 § 1, 1995: Ord. 10870 § 319, 1993). K.C.C. 21A.06.1397 Wetland enhancement. Wetland enhancement: The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific functions or to change the growth state or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Wetland enhancement activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods or some combination of these. Wetland enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. (Ord. 15051 § 115, 2004). K.C.C. 21A.06.1400 Wetland, forested. Wetland, forested: a wetland that is dominated by mature woody vegetation or a wetland vegetation class that is characterized by woody vegetation at least twenty feet tall. (Ord. 15051 § 116, 2004: Ord. 10870 § 320, 1993). K.C.C. 21A.06.1414 Wetland reestablishment. Wetland reestablishment: For purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities to reestablish a wetland include removing fill material, plugging ditches, or breaking drain tiles. Wetland reestablishment results in a gain in wetland acres. (Ord. 15051 § 120, 2004). K.C.C. 21A.06.1416 Wetland rehabilitation. Wetland rehabilitation: For purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities to rehabilitate a wetland include breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Wetland rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. (Ord. 15051 § 121, 2004). K.C.C. 21A.06.1418 Wetland vegetation class. Wetland vegetation class: a wetland community classified by its vegetation including aquatic bed, emergent, forested and shrub-scrub. To constitute a separate wetland vegetation class, the vegetation must be at least partially rooted within the wetland and must occupy the uppermost stratum of a contiguous area or comprise at least thirty percent areal coverage of the entire wetland. (Ord. 15051 § 122, 2004).			
K.C.C. 21A.06.1405 - Defines "Wetland functions" <u>SECTION 36.</u> Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are hereby amended to read as follows: Wetland functions: ((natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as	Updates definition to provide a different description and examples of wetland functions.	Revised definition for consistency with relevant state guidance in Wetlands in Washington State Volume 1.	<i>Policy Analysis:</i> • This definition does not exactly match the definition in the Glossary in the Comprehensive Plan. Council may wish to consider making this definition consistent with the one in the Comprehensive Plan.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.~~			• In the KCCP: “Wetland Functions: The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform functions that are grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.”
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 37.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Wetland values: wetland processes, characteristics, or attributes that are considered to benefit society.	Adds definition for “Wetland values.”	Added for clarity. Current code uses the term "wetland functions and values." "Wetland functions" is defined, but "wetland values" was not.	<i>Policy Analysis:</i> • This definition does not match the definition in the Glossary in the Comprehensive Plan. Council may wish to consider making this definition consistent with the one in the Comprehensive Plan. • In the KCCP: “Wetland Values: Values are estimates, usually subjective, of the worth, merit, quality, or importance of wetland attributes that are valuable and beneficial to society. Values vary by watershed or human community. Education, research, aesthetics, and recreation are examples of other wetland attributes that may be considered values in that they are beneficial to society.”
K.C.C. 21A.24.318 - Sets standards for how wetlands are delineated and typed. <u>SECTION 68.</u> Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows: A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035. B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((14-06-029)) <u>23-06-009</u>, published October 2014 and updated July 2023. C. Wetland rating categories shall not recognize illegal modifications.	Updated to refer to a more recent version of the relevant state Department of Ecology publication.	Updated to use the current, correct publication for determining wetland delineation and type.	<i>Section Notes:</i> • Wetland boundaries are delineated using the federal wetland delineation manual and regional supplements. • Wetlands are rated (Category I through IV) using the Washington State Wetland Rating System for Western Washington. <i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.24.325.A.1. - Sets standards for determining the correct buffer size for wetlands. <u>SECTION 69.</u> Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows: A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows: 1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:	(1) Updates buffer sizes. (2) Adds railroads and highways as examples of high impact uses, for the purpose of	(1) – (3) Buffer sizes and impact of land uses have been updated to include the best available science.	<i>Section Notes:</i> • Wetlands are rated from Category I (highest quality) to Category IV (lowest quality). Buffers are determined based on the wetland category and the intensity of the adjacent land use. Buffers provide protection for wetlands by preventing or

Code				Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments	
WETLAND CATEGORY AND CHARACTERISTICS		INTENSITY OF IMPACT OF ADJACENT LAND USE					limiting development or human activity and providing functions such as filtering contaminants.
		HIGH IMPACT	MODERATE IMPACT	LOW IMPACT			
Category I					(3) Adds forest service roads and roads associated with moderate impacts as examples of medium impact uses, for the purpose of determining wetland buffer size. (4) Clarifies that buffer averaging cannot be combined with other buffer reductions or modifications. (5) Limits the distance a buffer is extended when it overlaps with a steep slope hazard area or landslide hazard area. (6) Updates the standards that apply when a buffer is transected by a roadway.	(4) Clarifies that code flexibilities cannot be combined in a way that would allow for a potential loss of ecological function. (5) Resolves the potential issue of having an extremely large extended buffer where a wetland was below a large slope, which would trigger the need for a critical areas alteration exception in order to develop. This would add a great deal of process without improving environmental outcomes. This proposed change removes potential procedural hurdles for areas distant from wetlands while maintaining ecological protection. (6) Provides clarity consistent with existing intent.	Buffers may be modified in several ways, such as averaging, reductions based on certain criteria, increases for wetland complexes, or when roads transect buffers. The Department of Ecology provides guidance on recommended wetland buffers, examples of land uses and impacts, mitigation measures, and protections. Policy Analysis: The Council may wish to consider Ecology guidance in regards to buffer widths, as further discussed in the bullets below. Ecology's guidance on recommended buffer widths is the starting point for the County's wetland buffers. These buffer widths are based on certain assumptions, including that the buffer area is well vegetated with native species appropriate to the ecoregion. Where a buffer is not well vegetated, the buffer area should be planted or the buffer width increased. It does not appear that the code has a vegetated buffer requirement and the BAS report states that while "BAS indicates that restoring dense, native vegetation where little or none exists will generally be more effective than widening the buffer, this presents an additional cost to permit applicants and creates additional needs for County monitoring and code enforcement" (page 44). Council staff would note that this requirement is an industry standard and is not unique to King County. Buffers for Category I wetlands with special characteristics are proposed to increase between 20% and 50%. These buffer widths are generally consistent with BAS and Ecology guidance, presuming the buffers are vegetated (see above). These wetlands are considered to be high quality, rare, or irreplaceable. Executive staff roughly
Wetlands of High Conservation Value	((250))300 feet	((190))225 feet	((125))150 feet				
Bog	((250))300 feet	((190))225 feet	((125))150 feet				
Estuarine	((250))300 feet	((190))225 feet	((125))150 feet				
Coastal Lagoon	((250))300 feet	((190))225 feet	((125))150 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))60 feet	((40))45 feet	((25))35 feet				

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			estimate that of Category I wetlands, fewer than 100 are bog wetlands, fewer than 10 are estuarine, fewer than 5 are coastal lagoon, and approximately 200 are wetlands of high conservation value. • No changes are proposed to Category I wetlands without special characteristics, Category II wetlands, and Category III wetlands. It appears that these widths are based on Ecology's assumptions that the buffers are fully vegetated. See discussion above on assumptions. This is a policy choice. • Buffer widths for Category I wetlands with special characteristics and IV wetlands are larger than Ecology guidance, which could account for the native vegetation assumption. Council may wish to consider whether to allow buffers that are lower, but match Ecology's guidance, in exchange for planting native vegetation. • Buffers for Category IV wetlands are proposed to increase between 20% and 40%. The BAS report indicates that the widths "address Ecology's recommendation...that wetland buffers with limited native vegetation be planted with native species or widened. This change better aligns King County with Ecology guidance for a moderate-risk approach to wetland management without introducing the need for permit applicants to plant and maintain Category IV wetland buffers with native plant species." (page 48). The BAS report and Ecology guidance do not discuss how much the buffer should be increased and it is unclear whether the proposed increased widths are sufficient to address the assumptions. Executive staff roughly estimate that a quarter of wetlands in unincorporated King County would be classified as Category IV.
K.C.C. 21A.24.325.A.2. through D - Sets standards for determining the correct buffer size for wetlands.			• Industrial uses are not defined in the zoning code. Executive staff indicate that there

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows: a. High impact includes: (1) sites zoned commercial or industrial; (2) commercial, institutional, or industrial use on a site regardless of the zoning classification; (3) nonresidential use on a site zoned for residential use, such as telecommunication towers and associated equipment; (4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ball fields, and similar use; (5) all sites within the ((U))urban ((G))growth ((A))area; ((œ)) (6) Residential zoning greater than one dwelling unit per acre; (7) railroads; or (8) federal and state highways, including on ramps and exits, state routes, and other roads associated with high impact land uses; b. Moderate impact includes: (1) residential uses on sites zoned residential one dwelling unit per acre or less; (2) residential use on a site zoned rural area, agriculture, or forestry; (3) agricultural uses without an approved farm management plan; (4) forest service roads and roads associated with moderate impacts; (5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or ((5))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and c. Low impact includes: (1) forestry use on a site regardless of zoning classification; (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning; (3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or (4) utility corridors without a maintenance road and little or no vegetation maintenance. B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if: 1. The department determines that: a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or b. averaging includes the corridors of a wetland complex; and 2. The resulting buffer meets the following standards: a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging; b. the additional buffer is contiguous with the standard buffer; c. the buffer at its narrowest point is never less than ((either)) seventy-five percent of the required width ((or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater)); d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ((from a qualified wetland professional; and)); e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((as demonstrated by a critical area report from a qualified wetland professional)); f. buffer averaging cannot be combined with other buffer reductions or modifications allowed in this title; and g. indirect impacts are assessed and mitigated. C. Wetland buffer widths shall also be subject to modifications under the following special circumstances: 1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:			historically has not been an issue in determining what uses fall under which categories. Work Plan Action Item 7 of the Comprehensive Plan directs the Executive to review industrial uses as part of the midpoint update to the KCCP, which will be adopted in 2029. Whether to wait for the midpoint update is a policy choice. - Executive staff indicate that RA zoning would be classified as “a site zoned for residential use” where RA zoning allows residential uses. This could be clarified. - Cellular towers are identified in Ecology’s guidance as “low impact,” whereas DLS has previously administered these as “high impact.” This is a policy choice. - Council may wish to consider using “sports fields”, which is a defined term in the zoning code, instead of “ball fields.” - All sites within the UGA would include passive recreation parks and natural areas. Ecology guidance appears to designate these as moderate or low intensity uses. This is a policy choice. - The proposed changes match Ecology’s guidance. - Ecology’s guidance identifies agricultural uses as either a high impact (dairies, nurseries, greenhouses, crops requiring annual tilling, etc.) or moderate impact (orchards, hay fields, light or rotational grazing, etc.). Identifying these uses as a lower impact a policy choice. - As proposed, the smallest width with buffer averaging would decrease for wetlands with lower habitat scores and adjacent lower intensity land uses. This could provide additional development flexibility for properties encumbered with wetland buffers. The proposal maintains the 75%

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and b. the department may apply the buffer reduction rules in subsection C.~~((6))~~5. of this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section~~((;))~~. 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ~~((buffer))~~ width ~~((is))~~ <u>shall be the greater of:</u> a. the buffer width required by the wetland's category in this section; or b. <u>the buffer width required by the wetland's category in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;</u> 3. For a wetland complex located outside the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area established by the King County Comprehensive Plan or located within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area <u>in a basin designated as "high" on the Basin and Shoreline Conditions Map</u>, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows: a. the buffer width for each individual wetland in the complex is the same width as the buffer width required for the category of wetland; b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors: (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; c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor; d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor; 4. Where a legally established <u>public</u> roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if: a. the part of the buffer on the other side of the roadway sought to be reduced: ~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development or the))~~ wetland <u>functions and values from the proposed development;</u> and ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; <u>and</u> b. <u>the applicant provides a written evaluation that includes:</u> (1) <u>a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway;</u> (2) <u>an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and</u> (3) <u>an analysis of how the roadway will fully disconnect the buffer from providing the assessed functions, and whether the disconnection will affect the entirety of the buffer; and</u> 5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~			required width, which is consistent with Ecology’s guidance. This is a policy choice. - Removing an allowance for combining buffer averaging with other reductions is consistent with Ecology’s guidance. This is a policy choice. - The previous code did not have an upper limit of the buffer width for steep slopes, which could lead to wide buffers that are hundreds or thousands of feet long. Executive staff indicate that slopes provide large wood and sediment to wetlands and aquatic areas, most frequently through small slope instability, rather than large infrequent events, meaning that the ecological benefit is diminished over longer distances. The buffer width limit is a policy choice. - Basins designated as “high” on the Basin and Shoreline Condition Map are a relatively small portion of areas inside the UGA. Executive staff indicate that these are higher quality habitats and corridors, warranting grater protections. Whether to have different buffers for “high” basins is a policy choice. - This provision is intended to say that each wetland maintains its own categorical buffers. Council may wish to streamline this provision for clarity. - This provision applies to an existing roadway, rather than new or future roadways. Council may wish to make the criteria present tense to address how current conditions affect the buffer. - This provision would allow residential developments in the urban growth area to go from a “high” intensity impact buffer to a “moderate” intensity impact buffer. Ecology guidance provides an option to reduce buffer widths for land uses with high

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments																
6. ~~The buffer widths required for proposed land uses with))~~ For proposed dwelling units within the urban growth area that have high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate intensity impacts ~~((under the following eonditions))~~ if: a. all the following measures to minimize impacts of the proposed land uses are applied: (1) plant an area of dense, native vegetation or climate-smart plants within the remaining buffer that is equal to or greater than the area by which the buffer was reduced; (2) install wildlife lighting and direct all light away from the wetland; (3) install wildlife passable fencing at the edge of the wetland buffer; (4) attach critical area signs to wildlife-passable fencing every fifty to seventy-five linear feet; (5) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and (6) demonstrate how each of the following meets the core requirements in the King County Surface Water Design Manual, including: (a) stormwater runoff; (b) change in water regime; and (c) erosion and dust control; and b. ~~((F))for wetlands that score moderate or high for habitat functions((, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~ (1) ~~A))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list)) a legally-protected, relatively undisturbed and vegetated area. The corridor must be protected for the entire distance between the wetland and the ((priority habitat)) legally protected vegetated area and ((legally)) recorded via a conservation easement; and~~ (2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows: c. the proposed project does not impact the reduced buffer. <table><tr><th>~~((Disturbance~~</th><th>Measures to minimize impacts</th></tr><tr><td>Lights</td><td>Direct lights away from wetland.</td></tr><tr><td>Noise</td><td>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.</td></tr><tr><td>Toxic runoff</td><td>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.</td></tr><tr><td>Stormwater runoff</td><td>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.</td></tr><tr><td>Change in water regime</td><td>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</td></tr><tr><td>Pets and human disturbance</td><td>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.</td></tr><tr><td>Dust</td><td>Use best management practices to control dust.))</td></tr></table>	~~((Disturbance~~	Measures to minimize impacts	Lights	Direct lights away from wetland.	Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.	Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.	Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.	Change in 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.))			intensity impacts provided certain conditions are met. The guidance recommends widths based on the assumption that buffers are well vegetated with native species (see discussion above) or increased above recommended widths. • The BAS report does not indicate whether partially planting a buffer would be sufficient to meet the native vegetation assumption to warrant a reduction that meets Ecology’s guidance and BAS. Council may wish to consider whether to expand this planting requirement to the entire width of the reduced buffer as a trade-off for more developable area. This is a policy choice. • Other development, such as commercial uses or those in the rural area, were not proposed to be included in the buffer width reduction allowance, which would be allowed under Ecology’s guidance if the buffers are fully vegetated. This is a policy choice. • Council may wish to clarify whether mixed-use developments could qualify under the lower buffer provisions for housing.
~~((Disturbance~~	Measures to minimize impacts																		
Lights	Direct lights away from wetland.																		
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.																		
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.																		
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.																		
Change in 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.))																		

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project. E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions <u>or wetland functions and values</u>.			
K.C.C. 21A.24.335 - Development standards for proposals and alterations for sites with wetlands and associated buffers present. <u>SECTION 70.</u> Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing wetlands or their buffers: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers; B. ~~((The applicant))~~ Applicants may include climate-smart plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and C. ~~((A category IV wetland less than two thousand five hundred square feet that is not part of a wetland complex may be altered in accordance with an approved 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.	(1) Adds climate smart plants to approved list for mitigation or restoration projects. (2) Removes alteration allowance for category IV wetlands less than 2,500 square feet.	(1) Climate change impacts are making native plants vulnerable to disease and die-offs. King County is expanding the list of allowable plant species for use in restoration and mitigation projects to improve the success rate of wetland restoration and mitigation work and to improve wetland resilience in the face of climate change. King County will produce a technical report in early 2024 that lists DNRP’s approved “climate-smart plants” for inclusion in permitted projects. (2) BAS is clear that small wetlands especially in urban areas are important. The research indicates that a broader approach to protecting wildlife such as mammals, birds, and amphibians is needed, as buffers alone may not prevent the populations of many species from	<i>Section Notes:</i> • This section establishes specific standards in wetlands and their buffers. <i>Policy Analysis:</i> • This section could be clarified, as prioritizing native vegetation in the Puget Sound region. Climate-smart plants are broader than those in the Puget Sound lowland. • This proposed change would remove an allowance to alter Category IV wetlands less than 2,500 sf in size. BAS and Ecology guidance does not support blanket allowances for alterations of wetlands, regardless of size and rating. Executive staff estimate that a very small proportion (1%) of wetlands currently fall under this provision. Affected properties may be able to pursue a reasonable use exception if the property is unbuildable. This is a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																									
		declining. Wetlands located in urban areas are generally less common and are more impacted by adjacent light and noise pollution, often contain non-native and invasive plant species, and lack intact vegetated corridors or habitat patches connecting adjacent habitat. Conserving wetland habitats, habitat patches, and vegetated corridors networks in urban areas and throughout the watershed is critical for certain species and provides refuge from drought and increasing temperatures due to climate change.																										
K.C.C. 21A.24.340 - Wetland mitigation ratios. <u>SECTION 71.</u> 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)) <u>this chapter</u>, the following applies to mitigation to compensate for ((the)) adverse impacts ((associated with an alteration)) to a wetland or wetland buffer: A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to: 1. Habitat <u>functions such as</u> complexity, connectivity, and other biological functions; and 2. <u>Hydrological functions, such as</u> ((S))seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual; B. The following ratios of area of mitigation to area of ((alteration)) <u>impacts</u> apply to mitigation measures for permanent alterations <u>except as otherwise provided in subsection E. of this section</u>: 1. For ((alterations)) <u>impacts</u> to a wetland buffer, a ratio of ((one-to-one; and)) <u>one-to-one on-site, and two-to-one off-site</u>; 2. For ((alterations)) <u>direct impacts</u> to a wetland <u>that result in permanent, direct loss of wetland area</u>: <table><tr><th>Category and type of wetland</th><th>Wetland reestablishment or creation</th><th>Wetland rehabilitation</th><th>1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)</th><th>Wetland enhancement only</th></tr><tr><td>Category IV</td><td>1.5:1</td><td>3:1</td><td>1:1 R/C and 2:1 E</td><td>6:1</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Category III</td><td>2:1</td><td>4:1</td><td>1:1 R/C and ((2))4:1 E</td><td>8:1</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	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))4:1 E	8:1						(1) Updates wetland impact mitigation ratios. (2) Adds table for mitigation ratios for temporary impacts to wetlands. (3) Updates and adds details to the standards that apply to off-site compensatory mitigation.	(1) – (2) Updated to match Department of Ecology mitigation guidance. (3) Proposed changes provide predictability and transparency for how mitigation bank and in-lieu fee credits are calculated, consistent with Department of Ecology guidance.	<i>Section Notes:</i> • When unavoidable impacts occur in wetlands or their buffers, mitigation is required to compensate for impacts. • Mitigation is required when alterations cause unavoidable impacts. It is expressed as a ratio of mitigation area to impact area. The ratio of mitigation is based on the category of wetland impacted and type of proposed mitigation: ○ Reestablishment: restores processes and functions to an area that was formerly a wetland. ○ Creation: develop a wetland on an upland where a wetland did not previously exist.
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))4:1 E	8:1																								

Code				Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																																										
Category II estuarine	Case-by-case	((4))6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case		○ Rehabilitation: improves or repairs the environmental processes and functions of a wetland. ○ Enhancement: improve specific wetland function(s). Enhancement results in a net loss of wetland area.																																										
All other Category II	3:1	((8))6:1	1:1 R/C and ((4))8:1 E	12:1																																												
Category I forested	6:1	12:1	1:1 R/C and ((40))16:1 E	Case-by-case																																												
All other Category I	4:1	8:1	1:1 R/C and ((6))12:1 E	Case-by-case																																												
Category I wetlands of high conservation value	Not allowed	((6:1 rehabilitation of a wetland of high conservation value)) Case-by-case	((Case-by-case)) Not allowed	Case-by-case																																												
Category I coastal lagoon	Not allowed	((6))8:1 rehabilitation of a coastal lagoon	((Case-by-case)) Not allowed	Case-by-case																																												
Category I bog	Not allowed	((6:1 rehabilitation of a bog)) Case-by-case	((Case-by-case)) Not allowed	Case-by-case																																												
Category I estuarine	Case-by-case	((6))8:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case																																												
3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to area of impact required by subsection B.2. of this section. C. The following ratios of area of mitigation to area of ((alteration)) impact apply to mitigation measures for temporary ((alterations)) impacts where wetlands will not be impacted by 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, but where impacted functions are expected to take longer than one year to be restored, except as otherwise provided in subsection E. of this section: <table><tr><th>Wetland category</th><th colspan="3">Permanent conversion of forested and shrub wetlands into emergent wetlands</th><th colspan="3">Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities</th></tr><tr><th></th><th>Enhancement</th><th>Rehabilitation</th><th>Creation or restoration</th><th>Enhancement</th><th>Rehabilitation</th><th>Creation or restoration</th></tr><tr><td>Category I</td><td>((6))8:1</td><td>4.5:1</td><td>3:1</td><td>((3))4:1</td><td>2:1</td><td>1.5:1</td></tr><tr><td>Category II</td><td>((3))6:1</td><td>((2))3:1</td><td>1.5:1</td><td>((1.5))3:1</td><td>1.5:1</td><td>.75:1</td></tr><tr><td>Category III</td><td>((2))4:1</td><td>((1.5))2:1</td><td>1:1</td><td>((1))2:1</td><td>((.75))1:1</td><td>.5:1</td></tr><tr><td>Category IV</td><td>((1.5))3:1</td><td>1.5:1</td><td>.75:1</td><td>((Not applicable)) 1.5:1</td><td>((Not applicable)) .75:1</td><td>((Not applicable)) .25:1</td></tr></table> D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances: 1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation; 2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site; 3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((or)) 4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the proposed impacts; 5. The proposed mitigation site differs from the proposed impact area in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics; 6. The proposed impact site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or 7. The alteration causing the impact was ((an)) unauthorized ((impact)). E. ((The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances)) When the use of wetland mitigation bank or in lieu fee program credits is approved as off-site compensatory mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:							Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities				Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration	Category I	((6))8:1	4.5:1	3:1	((3))4:1	2:1	1.5:1	Category II	((3))6:1	((2))3:1	1.5:1	((1.5))3:1	1.5:1	.75:1	Category III	((2))4:1	((1.5))2:1	1:1	((1))2:1	((.75))1:1	.5:1	Category IV	((1.5))3:1	1.5:1	.75:1	((Not applicable)) 1.5:1	((Not applicable)) .75:1	((Not applicable)) .25:1
Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities																																												
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration																																										
Category I	((6))8:1	4.5:1	3:1	((3))4:1	2:1	1.5:1																																										
Category II	((3))6:1	((2))3:1	1.5:1	((1.5))3:1	1.5:1	.75:1																																										
Category III	((2))4:1	((1.5))2:1	1:1	((1))2:1	((.75))1:1	.5:1																																										
Category IV	((1.5))3:1	1.5:1	.75:1	((Not applicable)) 1.5:1	((Not applicable)) .75:1	((Not applicable)) .25:1																																										
<i>Policy Analysis:</i> • “wetland values” could be added as a consideration for mitigation measures. This is a policy choice. • Category I forested wetlands may take more than 100 years to establish. Ecology guidance recommends higher ratios for this type of wetland, including 1:1 R/C and 20:1 E for wetland reestablishment or creation and wetland enhancement. This is a policy choice. • Proposed changes to mitigation ratios are highlighted in pink. These ratios align with the recommended ratios in Ecology guidance. In instances where the mitigation is listed as “case-by-case” or “not allowed”, wetlands with these special characteristics are considered unique, rare, and/or irreplaceable. Impacts could create a net loss no matter what compensation is proposed or must be considered in conjunction with specific mitigation proposals. • The existing code does not address mitigation for indirect impacts. Indirect impacts are those that have adverse effects on wetlands that results in a reduction of wetland function but are outside the footprint of direct impact. Adding this provision is consistent with Ecology guidance, which supports mitigating indirect impacts at half of the amount of direct impacts. This is a policy choice. • This mitigation could be changed to “creation or reestablishment” for consistency.																																																

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
1. ((The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience; 2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted; 3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or 4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if: a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category; b. the category of the area with a different class is lower than that of the entire wetland; and c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.)) For use of wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required for impacts located in the bank service area shall be as follows: a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a ratio of one bank credit to one wetland impact acre shall be used; b. For indirect wetland impacts, one half of the ratio recommended in the approved mitigation banking instrument; and c. For long-term temporary impacts, one quarter of the ratio recommended in the approved mitigation banking instrument; 2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program: a. For direct, indirect, and long-term temporary impacts to wetlands located in the in lieu fee service area, the amount of compensatory mitigation required shall be 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 one to one; 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 buffer; and G. Mitigation of ((an alteration)) impacts to a buffer of a wetland that occurs along an aquatic area 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.			- Executive staff indicate that this ratio should be based off of forested Category I wetlands, and therefore the ratio should be 6:1. - Ecology guidance states that most agencies accept one-half of the recommended ratios for permanent conversions. The changes highlighted in green identify changes in ratios. These are consistent with this guidance. - The proposed ordinance includes new criteria for when mitigation ratios can be increased. These changes would support replacing functions to the area closest to where the impacts occur and where there is a similar ecosystem type. - The proposed ordinance would remove options for mitigation ratio reductions and replace it with established ratios. Executive staff indicate that the existing language was written when mitigation banking was newly implemented and has been rarely used since. Executive staff also indicate that the proposed changes would provide greater transparency and create consistency with Ecology guidance. - In practice, wetland mitigation banks are wetland restoration projects that are constructed prior to wetland impacts for the primary purpose of creating and selling mitigation credit for future projects. In-lieu fee programs sell mitigation credits to fund future wetland restoration projects. Both types may be publicly owned or nonprofit and undergo review by tribal, state, and federal agencies. The County operates the only approved in-lieu fee program in King County. The mitigation ratios can differ based on the instrument. The proposed language adds new language to reflect these existing programs.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
21A.24.342 - Wetlands - agreement to modify mitigation ratios. A. The department may enter into an agreement with an applicant to establish mitigation ratios to compensate for the adverse impacts to wetlands of the applicant's development proposals that differ from the ratios required by K.C.C. 21A.24.340.B. The agreement shall require that the applicant: 1. Demonstrate with scientifically-valid data that the program implemented by the applicant has achieved long-term success in reducing the risk of failure and temporal loss of function of the applicant's wetland mitigation projects; and 2. Implement a scientifically rigorous mitigation, monitoring and adaptive management program that includes the following elements: a. a mitigation planning process that requires mitigation plans to be prepared and signed by a qualified wetland specialist. The mitigation planning process shall use the guidelines contained in Washington State Department of Ecology - U.S. Army Corps of Engineers Publication 04-06-013b "Guidance on Wetland Mitigation in Washington State" or an alternative approach acceptable to the department; b. construction oversight by a qualified wetland specialist; c. postconstruction monitoring and reporting by experienced and qualified personnel using scientifically rigorous and accepted methodologies to assess whether the mitigation has been installed and whether it meets the approved goals, objectives and performance standards identified in the mitigation plan; d. ongoing mitigation site maintenance to facilitate the achievement of the approved goals, objectives and performance standards identified in the mitigation plan. Maintenance includes, but not limited to, the removal and control of nonnative vegetation, replacement of dead or dying planted vegetation and trash and debris removal; e. financing or funding guarantees for the duration of the mitigation and monitoring program. At a minimum, funding guarantees must be in place until mitigation activities have met the established performance standards and have been approved by the department; and f. an adaptive management program that requires the evaluation and adjustment of remedial actions contained within the contingency plan developed as part of the mitigation planning process. B. The mitigation ratios established by the agreement authorized by this section shall be based on data prepared by the applicant regarding the effectiveness of past and ongoing mitigation projects implemented and monitored by the applicant. In establishing the mitigation ratios, the department shall consider: 1. The applicant's demonstrated success in meeting mitigation performance standards for the different types of mitigation, such as re-establishment, creation, rehabilitation, and enhancement; and 2. The hydrogeomorphic classification, such as slope, riverine, depressional and tidal fringe, of the wetland. C. The applicant may request coordinated review of the agreement with the Washington state Department of Ecology and the United States Army Corps of Engineers. (Ord. 15051 § 189, 2004).	Repealed.	During BAS wetland review, it was determined that the requirements of this section did not meet no net loss requirements.	<i>Section Notes:</i> • When unavoidable impacts occur in wetlands or their buffers, mitigation is required to compensate for impacts. This mitigation is specified in K.C.C. 21A.24.340, where ratios for identified by type of wetland impacted and type of mitigation proposed. • This code section would have allowed reductions to the ratios in K.C.C. 21A.24.340 based on the criteria listed here, but the PO proposes repeal of this language. • Executive staff indicated that this provision applies to mitigation within banks or the mitigation reserves program and was replaced with more specific code language in the relevant code sections. • The County takes a moderate-risk approach to wetlands and their buffers. Under the County's BAS report and Ecology's guidance, minimum mitigation ratios established in K.C.C. 21A.24.340 should not be further reduced to avoid no net loss. <i>Policy Analysis:</i> • No issues identified.
AQUATIC AREAS AND RIPARIAN AREAS			
K.C.C. 21A.06.072C - Defines "Aquatic areas" <u>SECTION 9.</u> Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows: A. Aquatic areas: 1. Nonwetland water features including: all shorelines of the state, rivers, streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs; 2. Impoundments, such as reservoirs or ponds, 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: <u>a. used by fish; or</u> <u>b. from either a wetland or a ~~((nonwetland))~~ water feature listed in subsection A.1. or A.2. of this section, or both; and</u> <u>4. Portions of the water features in subsections A.1, A.2, and A.3 of this section that are conveyed underground in pipes or culverts.</u> B. "Aquatic areas" does not include water features where the source of contributing water is entirely artificial, including, but not limited to, ground water wells, <u>and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by a port district or an irrigation district or company.</u>	Clarifies what is included in the definition, which includes piped areas.	Clarifies that aquatic areas do not cease to be jurisdictional where they are diverted underground.	• Council may wish to streamline this definition for improved clarity. An option could be: "Aquatic areas include: 1. Water features, such as shorelines of the state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water; 2. Impoundments, which includes bodies of water collected in a reservoirs, dams, or through natural disturbance events, if any portion of the contributing water is from a nonwetland water; 3. Aboveground or open water conveyance system, such as ditches, if any portion of the contributing water is used by fish, from a wetland, water feature, or impoundment; and

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			4. Any portion of water in subsection A.1, A.2., or A.3. of this section that are conveyed in pipes or culverts.” • Council may wish to repeal the definition of “impoundment” (“a body of water collected in a reservoir, pond or dam or collected as a consequence of natural disturbance events”) and include the description in this definition. “Impoundment” is used differently elsewhere in the code to refer to livestock manure facilities and animal control.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.578 Habitat, fish. Habitat, fish: habitat that is used by anadromous or resident salmonids at any life stage at any time of the year including potential habitat likely to be used by anadromous or resident salmonids. "Fish habitat" includes habitat that is upstream of, or landward of, human-made barriers that could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.	Not included in proposed ordinance	Not included in proposed ordinance	• This definition of fish habitat narrowly applies to habitat used by salmonids, rather than to all species of fish. Because “fish habitat” is used in typing aquatic areas, follows the state’s system (see discussion on page 72), this definition should be made consistent with the state’s. Executive staff indicate that the intent was to apply this definition to all fish species and that this was inadvertently omitted from the proposed ordinance. Council may wish to revise this definition to reflect the Executive’s intent.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 29.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Riparian area: a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas reduce impacts from adjacent land uses through various physical, chemical, or biological processes.	Adds definition for “Riparian area.”	Added to define areas previously called aquatic area buffers; this term was updated to reflect the terminology recommended by guidance document from WDFW.	<i>Section Notes:</i> • “Riparian area” replaces “aquatic area buffer” throughout the code. Executive staff indicated that this because these areas also provide important functions and habitat, not just as a buffer to protect aquatic areas. <i>Policy Analysis:</i> • Council may wish to make the purpose of riparian areas consistent with the purpose in the “buffer” definition (“intended to protect the functions and values of aquatic areas through ... and reduce impacts from adjacent land uses”).
K.C.C. 21A.06.1015 - Defines "Salmonid" <u>SECTION 30.</u> Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015 are hereby amended to read as follows: Salmonid: a fish native to the Puget Sound region that is a member of the fish family Salmonidae, including((, but not limited to)): A. Chinook, coho, chum, sockeye, and pink salmon; B. Rainbow, steelhead, and cutthroat ((salmon, which are also known as)) trout;	Clarifies that salmonids are fish native to the Puget Sound region, and updates the list of salmonid species listed.	Clarifies how to determine what "native" salmonids are by listing the applicable geography (i.e. the Puget Sound region). The specific species	<i>Policy Analysis:</i> • No issues identified.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
C. ~~((Brown trout;~~ ~~D. Brook, b))~~Bull trout, which is ~~((also known as))~~ <u>a type of</u> char, and Dolly Varden char; ~~((E.))~~ <u>D. Kokanee;</u> ~~((and~~ ~~F.))~~ <u>E. Pygmy whitefish;</u> <u>and</u> <u>F. Mountain whitefish.</u>		included in the definition are proposed to be updated accordingly.	
K.C.C. 21A.06.1240 - Defines "Stream" <u>SECTION 33.</u> Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows: Stream: an aquatic area where surface water produces a channel, not including a wholly artificial channel~~((;))~~ unless ~~((#))~~ <u>the artificial channel</u> is: A. Used by ~~((salmonids))~~ <u>fish</u>; or B. Used to convey a stream <u>or wetland</u> that occurred naturally before construction of the artificial channel.	(1) Adds language to clarify that subordinate phrases refer to artificial channels only. (2) Changes use of "salmonid" to "fish." (3) Expands definition to include artificial channels used to convey a wetland that occurred naturally before construction of the artificial channel.	(1) Adds language to clarify existing intent. (2) Changes are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just salmonids. (3) Removes potential area of confusion in code; the term is proposed to be updated to address scenarios where wetlands have been converted to streams through past practices. This code change would clarify that those areas function and are classified as streams now and are not considered a wholly artificial channel.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.24.355 - Aquatic area typing. <u>SECTION 72.</u> 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))~~ "typed" as follows: 1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under King County's ~~((S))~~ shoreline ~~((M))~~master ~~((P))~~program~~((, K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW));~~	(1) Adds classification criteria Type F waters. (2) Clarifies definition of above ground and channeled water	(1) Provides more clarity and specificity about how Type F waters are classified.	<i>Section Notes:</i> • The State uses a water typing system that classifies aquatic areas as Type S (shoreline), F (fish bearing), Np (non-fish-bearing, perennial), and Ns (non-fish-bearing, seasonal).

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat, including waters diverted for use by a federal, state, or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality((÷)). Type F waters, which may be ephemeral, may be classified by: a. the presence of fish; b. a stream segment with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or c. any stream located within the floodplain of type S or F water. 3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected to type S or F waters by ((an above-ground)) a channel or piped system, stream, or wetland; and 4. Type O waters include all segments of aquatic areas that are not type S, F, or N waters and that are not physically connected to type S, F, or N waters by a((n above-ground)) channel or piped system, ((pipe or culvert,)) stream, or wetland, and which infiltrate water into the ground. B. For the purposes of the water types in subsection A. of this section, ((an above-ground)) a channel system is ((considered to be)) present if the ((one-hundred-year)) floodplains of both the contributing and receiving waters are connected. ((C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors: 1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure; 2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit; 3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or 4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.))	system for type N waters. (3) Removes subsection "C" regarding "human made barriers." (4) Technical corrections.	(2) For Type N waters, the 'above ground' part of the definition previously caused confusion among applicants, who would be led to think that if the channel were in a culvert (which is underground) that it wouldn't qualify as a type N. This was not the intent of the definition. Thus the 'above ground' part is proposed for deletion as it didn't help and clarified that type N can be piped. (3) This language was out of date. It did not match how the co-managers (WDFW and Indian Tribes) interpret fish habitat or state level fish passage requirements. The language does not match BAS as to what is fish habitat and is instead based on a financial rationale as a reason to not do something. In addition, it does not match the County's fish passage program classification of fish habitat. (4) Correcting formatting and grammatical errors.	<i>Policy Analysis:</i> • The state classification for Type F water include this criterion along with other criteria that are not included in this description. Council may wish to make the criteria consistent with the state's, which includes: ○ Lakes, ponds, or impoundments with a surface area of 0.5 acres or greater at seasonal low water ○ Water diverted for use by more than 10 residential or camping units or a public accommodation facility serving more than 10 people ○ Water in a campground with more than 10 camping units ○ Riverine ponds, wall-based channels, and other channel features used by fish for off-channel habitat • For Type F waters, the proposed changes shown in yellow align with the state's classification. The changes would mean that waters that meet certain dimensional characteristics (width and gradient) are assumed to have potential fish presence and be designated as such. The presence of upstream fish passage barriers would no longer disqualify a stream from being classified as a Type F water. • The Type N and Type O waters deviate from the State's definitions, which uses Np and Ns and a different set of criteria. The County's BAS report references state guidance but does not address that the County and state use different systems for lower typed aquatic areas. It is not clear how the state's system of water typing and guidance would translate to these specific types. It may be clearer to use the state's terminology.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																		
K.C.C. 21A.24.358 - Riparian areas measurement methods and process. SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows: A. ~~((Aquatic area buffers))~~ Riparian areas shall be measured as follows: 1. From the ordinary high water mark <u>of the adjacent aquatic area</u>, or from the top of bank if the ordinary high water mark cannot be identified; 2. If the <u>adjacent aquatic area</u> is located within a mapped severe channel migration <u>hazard area</u>, the ~~((aquatic area buffer))~~ riparian area width shall be ~~((the greater of the aquatic area buffer width as))~~ measured ~~((consistent with subsection A.1. of this section or))~~ from the outer edge of the severe channel migration <u>hazard area</u>; ~~((and))~~ 3. If the ~~((aquatic area buffer))~~ riparian area includes a steep slope hazard area or a landslide hazard area, the ~~((aquatic area buffer))~~ riparian area width is the greater of ~~((either))~~ a. the ~~((aquatic area buffer))~~ riparian area width as required in this section ~~((or the top of the hazard area)); or~~ b. the riparian area width as required in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, <u>up to a maximum total width of twice the riparian area width otherwise required;</u> 4. If the adjacent aquatic area is located within an alluvial fan, the riparian area width is the greater of: a. the riparian area width as defined in this section; or b. the extent of the alluvial fan hazard area; and 5. If the adjacent aquatic area is conveyed underground, the riparian area width is measured only from the above-ground portion of the aquatic area. This riparian area extends in all directions from the point at which the aquatic area enters or exits the underground conveyance system. B. ~~Within the ((U))urban ((G))growth ((A))area, ((aquatic area buffers)) riparian area widths shall be as follows:~~ ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~ ~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~ ~~3. A type N aquatic area buffer is sixty five feet; and~~ ~~4. A type O aquatic area buffer is twenty five feet.))~~ <table><tr><th>Adjacent Aquatic Area Type</th><th>Riparian Area Width</th></tr><tr><td>S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map</td><td>200 feet</td></tr><tr><td>All other S or F</td><td>180 feet</td></tr><tr><td>N</td><td>100 feet</td></tr><tr><td>O</td><td>50 feet</td></tr></table> C. ~~Outside the ((U))urban ((G))growth ((A))area, ((aquatic area buffers)) riparian areas shall be as follows:~~ ~~((1. A type S or F aquatic area buffer is one hundred sixty five feet;~~ ~~2. A type N aquatic area buffer is sixty five feet; and~~ ~~3. A type O aquatic area buffer is twenty five feet.))~~ <table><tr><th>Adjacent Aquatic Area Type</th><th>Riparian Area Width</th></tr><tr><td>S or F</td><td>200 feet</td></tr><tr><td>N</td><td>100 feet</td></tr><tr><td>O</td><td>50 feet</td></tr></table> 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))~~ a riparian area width required by this section by averaging the riparian area width, if the resulting riparian area meets the following standards: 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	Adjacent Aquatic Area Type	Riparian Area Width	S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map	200 feet	All other S or F	180 feet	N	100 feet	O	50 feet	Adjacent Aquatic Area Type	Riparian Area Width	S or F	200 feet	N	100 feet	O	50 feet	(1) Changes references to "aquatic area buffers" to "riparian areas." (2) Clarifies that riparian areas are measured from the ordinary high water mark of the adjacent aquatic area. (3) Updated to provide Channel Migration Zones with riparian area coverage for extended protection as a critical area. (4) Clarifies method of measurement of riparian areas in steep slope and landslide hazard areas. (5) Limits the riparian area size when the buffer includes landslide or steep slope hazard areas. (6) Clarifies that a riparian area from an aquatic area outside of the fan doesn't extend all the way across the fan. (7) Clarifies that aquatic area jurisdiction doesn't end where it goes underground, and that the riparian areas are not only measured from above-ground portions but also extend all the way around the pipe	(1) Changes are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Since the term "aquatic area buffer" is being changed to "riparian area," this language is being added clarify how and where riparian areas are measured in relation to aquatic areas. (3) This provides clarification, as prior language could be read two different ways. The code now matches 2004 BAS documentation and intent as well as more closely aligns with current riparian BAS. (4) Resolves the potential issue of having an extremely large extended riparian area where an aquatic area was below a large slope, which would trigger the need for a critical areas alteration exception. This would add a great deal of	<i>Section Notes:</i> - Under this Proposed Ordinance, “aquatic area buffers” are replaced with “riparian areas”. Executive staff indicated that this because these areas also provide important functions and habitat, not just as a buffer to protect aquatic areas. - This section establishes the riparian area widths based on the adjacent aquatic area and location inside or outside the UGA. <i>Policy Analysis:</i> - Under the existing code, it is unclear whether the riparian area would 1) <i>end</i> at the outer edge of the severe channel migration hazard area, or whether 2) it would be measured <i>beginning</i> from the outer edge of the severe channel migration hazard area. The BAS report indicates that DLS currently measures it under the first option; however, it appears that the original 2004 BAS intended it to be measured using the second option. The proposed changes would clarify this to state that the riparian area would be measured beginning from the outer edge of the severe channel migration hazard area. This would have the effect of increasing the riparian area in areas where there are severe channel migration hazard areas. The BAS report indicates that riparian areas should be measured <i>starting from the outside edge of all channel migration zones</i>, which would include both the severe and moderate areas, to comply with BAS (pages 103-104). The proposed changes would depart from BAS: “Because most of King County’s mapped CMZs have wide severe CMZ hazard areas and relatively narrower moderate CMZ hazard areas, the overall risk of not extending riparian-area protections to the moderate CMZ hazard area is low within the near-to-moderate time frames” (page 108) and “In the long term, there is high confidence that there is moderate risk that riparian areas adjacent to migrating channels will not be fully protected” (page
Adjacent Aquatic Area Type	Riparian Area Width																				
S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map	200 feet																				
All other S or F	180 feet																				
N	100 feet																				
O	50 feet																				
Adjacent Aquatic Area Type	Riparian Area Width																				
S or F	200 feet																				
N	100 feet																				
O	50 feet																				

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(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; b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide; e. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing; d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and 2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.)) <u>The total land area amount of the riparian area after averaging is equivalent to or greater than the total land area amount of the riparian area before averaging;</u> 2. The additional riparian area is contiguous with the standard riparian area; 3. The riparian area at its narrowest point is never less than seventy-five percent of the standard required width; 4. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to the lower functioning or less sensitive portion, as demonstrated by an ecological critical area report from an ecological professional; 5. No net loss of riparian area or adjacent aquatic area functions and values will occur as a result of the averaging, as demonstrated by an ecological critical area report from an ecological professional; 6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the extent of the hazard areas; 7. If the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and 8. Riparian area averaging cannot be combined with any other riparian area width modifications.	entrance, not just laterally. (8) Converts aquatic area type and corresponding riparian area width to a table. (9) Updates riparian area widths for applicable aquatic area types inside and outside the Urban Growth Area. (10) Removes specific reference to Bear Creek drainage basin. (11) Added analogous riparian area averaging section. (12) Clarifies how riparian area averaging must be implemented spatially.	process without improving environmental outcomes. This change removes potential procedural hurdles for areas distant from riparian areas while maintaining ecological protection. (5) This resolves the potential problem of having a riparian area that is located below a large slope having an extremely large extended buffer, consistent with management direction. Also see K.C.C. 21A.24.325. (6) This is informed by BAS review for alluvial fans, to establish development standards including requirements for overlapping critical area buffers. New conditions on AFHAs are proposed to be added to enable new regulation to protect public health and safety as required by WAC 365-196-830. (7) These changes bring the code into alignment with current practice. (8) Converted to a table for ease of use by	108). The County employs nonregulatory measures “that offer protections to riparian areas and aquatic areas” that “reduce and mitigate the various risks,” discussed on page 98 of the BAS report. A summary of nonregulatory measures is at the end of this matrix. Councilmembers may wish to consider the proposed riparian area widths, risks of riparian area protections, and meeting other GMA priorities. • The previous code did not have an upper limit of the buffer width associated with steep slopes, which could lead to wide buffers that are hundreds or thousands of feet long. Executive staff indicate that slopes provide large wood and sediment to wetlands and aquatic areas, most frequently through small slope instability, rather than large infrequent events, meaning that the ecological benefit is diminished over longer distances. The buffer width limit is a policy choice. • The State’s guidance for riparian widths focuses on estimating 200-year site potential tree height (SPTH), which is the average maximum height of the tallest dominate tree species 200 years or older in a given area. Different riparian area segments may have different tree species, leading to variation in SPTH across the county. The County’s BAS report (page 78) analyzes widths and SPTH for King County. The report indicates that 84% of stream miles in unincorporated King County have a SPTH between 180 and 215 feet. Although the BAS indicates that there are several variables that factor into widths, a riparian width of 200 feet was determined in the report to be representative. Guidance from WDFW indicates that a minimum width of at least 100 feet, which provides a majority of pollution removal and water quality benefits.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		applicants and reviewers. (9) The proposed riparian area widths are based on the Best Available Science (BAS) together with policy direction to fulfill the GMA goal that development be encouraged in urban areas. BAS recommends that riparian area widths be based on the average maximum height of the tallest dominant trees that are 200 years or more in age. While trees of this age range in height, depending on the tree species, BAS review determined 200 feet to be a suitable width for riparian area protections. (10) Now that the riparian area width is proposed to be 100 feet for all Type N aquatic areas, this standard specifying a 100-foot buffer for the Bear Creek drainage basin is redundant. (11) Added to preserve the flexibility provided in existing code that allows aquatic area buffer averaging.	The BAS report indicates that designating widths by aquatic area types may no longer be appropriate, as both non-fish-bearing and fish-bearing streams can support unique communities of wildlife and ecosystem functions. Executive staff indicate that the County's existing system of designating riparian area widths by adjacent aquatic area and its location inside or outside the UGA was intended to meet environmental protection and other GMA considerations. Approximately 2% of the 5,500 stream miles in unincorporated King County are inside the UGA, 74% are in a Forest Production District, and 24% are in the remaining Rural Area. The riparian area width for each stream type is increased, with Type S and F riparian areas aligning with BAS. Type N and O riparian areas would be increased to 100 feet and 50 feet respectively, to support greater water quality and pollution removal. Type N riparian areas depart from BAS, as the science indicates that non-fish-bearing streams provide ecological functions that should be protected on the same degree as fish-bearing streams. Type O riparian areas depart from the BAS, as the science indicates that 100 feet is necessary to sufficiently support water quality and pollution removal benefits. Increased buffers may reduce housing capacity and development potential on properties. Using the riparian width system and increasing widths are policy choices. Executive staff indicate that only a small portion of aquatic areas inside the UGA have basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map. This distinction was made during the 2004 update and was intended to mitigate the risk of some smaller widths in urban areas by providing protection in higher quality

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		(12) Adds measures to ensure internal code consistency and prevent net loss of ecological functions and values.	subbasins. With the widths increasing for all streams, maintaining a different width for these riparian areas is a policy choice. • This language is no longer necessary, as the minimum buffer is now proposed at 100 feet for all Type N adjacent riparian areas. No issues identified with the proposed removal. • Buffer averaging standards are proposed to be replaced – the major changes to these standards are shown in orange. Buffers can no longer be reduced on the basis of not providing certain functions, nor can they be reduced based on a rural stewardship plan, which is proposed to be repealed. The largest reduction is 25% and can only occur when the buffer is reduced in a lower functioning habitat and increased in a higher functioning habitat. Averaging cannot be used with other code reductions. These changes are consistent with Ecology's guidance. This is a policy choice.
K.C.C. 21A.24.365 - Development standards for proposals and alterations for sites with aquatic areas and riparian areas present. <u>SECTION 74.</u> Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic area buffers))~~ riparian areas; B. Grading for allowed alterations in ~~((aquatic area buffers))~~ riparian areas is only allowed from May 1 to October 1. This period may be modified when the department determines it is necessary along marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C. 16.82.095; C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by: 1. Minimizing soil compaction, or 2. Reestablishing natural soil structure and the capacity to infiltrate; D. New structures within a ~~((n aquatic area buffer))~~ riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ~~((and))~~ E. To the maximum extent practical: 1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible; 2. A spatial connection should be provided between vegetation within and outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw hazards; and 3. Hazard trees ~~((should be retained))~~ in ~~((aquatic area buffers))~~ riparian areas ~~((and))~~ should be either topped or pushed over toward the aquatic area, and not taken out of the riparian area; ~~((and))~~	(1) Changes references of "aquatic area buffers" to "riparian areas." (2) Clarifies that hazard trees that are topped or pushed over are not to be removed from riparian areas. (3) Allows use of climate-smart plants for revegetation where native vegetation is allowed. (4) Updates term "woody debris" to "large wood."	(1) Changes are proposed throughout the code to change term or reference of "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Keeping large wood in riparian areas is consistent with BAS and supports ecological function. (3) Allowing the use of climate-smart plants for site restoration and mitigation encourages the	<i>Section Notes:</i> • This section addresses specific construction/alteration standards for aquatic areas and riparian areas. <i>Policy Analysis:</i> • Work periods may be modified under the grading code in K.C.C. 16.82.095 for any shoreline, rather than just marine shorelines. Council may wish to revise this section for clarity. • The code includes provisions for removing hazard trees, including topping or pushing over the tree towards an aquatic area. Although there are provisions to protect vegetation and limit clearing in other portions of the code, the code could also support keeping large wood in riparian areas when removal of nonhazardous trees is proposed as well as minimizing vegetation disturbance. This is a policy choice.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
F. <u>Mitigation or restoration projects may include climate-smart plants approved by King County, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into an aquatic area or riparian area unless authorized by state or federal approval; and</u> G. If a restoration, enhancement, or mitigation project proposes to place large <u>wood</u> (~~woody debris~~) waterward of the ordinary high water mark of a ~~((F))~~ type S aquatic area, the applicant shall consider the potential for recreational hazards in project design.		long-term success of these projects. (4) Changes are proposed throughout the code to change term or reference to "woody debris" to "large wood," where appropriate, consistent with current terminology.	This section could be clarified, as prioritizing native vegetation in the <i>Puget Sound region</i>. Climate-smart plants are broader than those in the Puget Sound lowland.
K.C.C. 21A.24.380 - Riparian area mitigation ratios. SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows: In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133))~~ this chapter, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to an aquatic area or ~~((aquatic area buffer))~~ riparian area: A. Mitigation measures ~~((must))~~ shall achieve equivalent or greater aquatic or riparian area functions than prealteration conditions including, but not limited to: - Habitat complexity, connectivity, and other biological, and ecological functions; - Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water quality)); ((and))~~ ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature control, pollution removal, water purification, and other water quality functions; and - Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions; B. To the maximum extent practical, permanent ~~((alterations))~~ impacts that require mitigation such as restoration or enhancement of the altered aquatic area~~((; aquatic area buffer))~~ or riparian area, or another aquatic area or ~~((aquatic area buffer must consider))~~ riparian area, shall document in a mitigation plan how the following design factors~~((;))~~ have been considered as applicable to the function being mitigated: - The natural channel or shoreline reach dimensions including its depth, width, length, and gradient; - The horizontal alignment and sinuosity; - The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics; - Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates; ~~((and))~~ - Similar native vegetation or climate-smart plant species diversity, size, and densities in the ~~((channel, sea bed or lake bottom and on the))~~ adjacent riparian ~~((bank or buffer))~~ area with similar configuration, spatial arrangement, and solar aspect; - Similar slope and elevation; and - Similar soil conditions, including moisture, saturation, and organic content; C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the following standards: - Not located upstream of a barrier to fish passage; and ~~((Is equal or greater in biological function; and 3-))~~ To the maximum extent practical is: - located on the site of the alteration or within one-half mile of the site and in the same aquatic area reach at a ~~((1:1))~~ 2:1 ratio of area of mitigation to area of ~~((alteration))~~ impact; or ~~((4- Is))~~ b. if unable to be located on the site or within one-half mile of the site, located in the same aquatic area drainage subbasin or marine shoreline and attains the following ratios of area of functional mitigation to area of ~~((alteration))~~ impact: ~~((a-))~~ (1) a 3:1 ratio for a type S or F aquatic area; and ~~((b-))~~ (2) a 2:1 ratio for a type N or O aquatic area;	(1) Replaces “geomorphic and habitat processes and functions” with specific examples and adds other clarifying wording changes. (2) Adds provision to allow alternatives to on-site riparian area mitigation under certain conditions.	(1) Clarifies existing intent by using more accessible language. (2) Provides flexibility in achieving riparian area compensatory mitigation requirements by providing reduced area-based ratios paired with required primary or secondary actions. The additional actions help to offset the lower area-based mitigation requirements since the actions are known to directly benefit riparian and aquatic area functions.	Section Notes: - The County’s BAS report indicates the use of mitigation to achieve no net loss generally comes with a high risk of failure, and that the changes proposed are supported by BAS. The report states “Previous King County riparian-area mitigation ratios do not align with BAS because they do not account for temporal loss and uncertainty in mitigation success (risk of failure). King County’s updates for riparian-area mitigation ratios are in better alignment with BAS because they are within the range of mitigation ratios in BAS that account for replacement of lost or impacted area, temporal loss, and uncertainty in mitigation success. Increasing riparian-area mitigation ratios will help support mitigation success in achieving equivalent or greater functions. Additionally, having different mitigation ratios based on aquatic-area types helps to align mitigation with expected functions likely achieved for each aquatic-area type” (page 115) Policy Analysis: - This subsection could be clarified to be comparable to nearby relatively undisturbed areas for degraded areas. - On-site mitigation is proposed to increase from 1:1 to 2:1. Mitigation should have a ratio higher than 1:1 (discussed above), with BAS indicating that ratios below 3:1 are considered to be generally inadequate to

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																									
D. For purposes of subsection C. of this section, ((a)) mitigation ((measure)) is in the same aquatic area reach if the length of aquatic area ((shoreline)) or adjacent riparian area meets the following criteria: 1. Similar geomorphic conditions including slope, soil, aspect, and substrate; 2. Similar processes including erosion and transport of sediment and ((woody debris)) large wood; 3. Equivalent or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and 4. Equivalent or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((or)) and 5. For tributary streams, a distance of no more than one-half mile from the main stem; E.1. ((The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements: 1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department; 2. Financing or funding guarantees for the duration of the monitoring program; and 3. Experienced, qualified staff to perform the monitoring)) On-site mitigation in riparian areas shall use the ratios in subsection E.2. of this section, unless the department establishes an alternative mitigation ratio with supplemental actions in accordance with subsection F. of this section; 2. Ratios of area of mitigation to area of impact for on-site mitigation for riparian areas: <table><tr><th>Adjacent Aquatic Area Type</th><th>On-site Compensatory Mitigation Ratio</th></tr><tr><td>Shoreline (S)</td><td>3:1</td></tr><tr><td>Fish bearing(F)</td><td>3:1</td></tr><tr><td>Non-fish bearing (N)</td><td>3:1</td></tr><tr><td>Other (O)</td><td>2:1</td></tr></table> F.1. The department may approve an alternative on-site area mitigation ratio to subsection E. of this section when the following requirements of subsection F.2. of this section are met. 2. Required actions for alternative on-site riparian area mitigation ratio based on the type of vegetation impacted: <table><tr><th>Adjacent Aquatic Area Type</th><th>Impacts to Woody Vegetation</th><th>Impacts to Non-Woody Vegetation or unvegetated Areas</th></tr><tr><td>Shoreline (S)</td><td>2:1 ratio with at least one primary action or three secondary actions</td><td>1:1 ratio with at least two secondary actions</td></tr><tr><td>Fish bearing (F)</td><td></td><td></td></tr><tr><td>Non-fish bearing (N)</td><td></td><td></td></tr><tr><td>Other (O)</td><td>1:1 ratio with at least one primary action or two secondary actions</td><td>1:1 ratio with at least one secondary action</td></tr></table> 3. Primary actions: a. placing large wood in adjacent aquatic areas, if not associated with shoreline stabilization or flood protection facilities; b. removing a fish passage barrier, if not required by the development permit; c. removing an aquatic area transportation crossing, such as roads, bridges, or trails, and revegetating as appropriate. Utility crossings are not included under this action, unless the removal is part of an integrated transportation crossing removal project; d. removing shoreline armoring, revetments, or levees; or e. other similar actions as determined by the department. 4. Secondary actions: a. planting native trees, climate-smart plants, and shrubs in areas of riparian area addition lacking native vegetation that are adjacent to and contiguous with existing riparian areas, within an area equal to one-half of the area of impact. This action cannot be applied where the riparian area addition requires enhancement to achieve equal function to the impact area; b. placing large wood in riparian areas or an adjacent floodplain; c. installing wildlife snags or similar wildlife nesting or rearing habitat; d. removing floodplain fill and replating with native vegetation or climate-smart plants as appropriate; or e. other similar actions as determined by the department;	Adjacent Aquatic Area Type	On-site Compensatory Mitigation Ratio	Shoreline (S)	3:1	Fish bearing(F)	3:1	Non-fish bearing (N)	3:1	Other (O)	2:1	Adjacent Aquatic Area Type	Impacts to Woody Vegetation	Impacts to Non-Woody Vegetation or unvegetated Areas	Shoreline (S)	2:1 ratio with at least one primary action or three secondary actions	1:1 ratio with at least two secondary actions	Fish bearing (F)			Non-fish bearing (N)			Other (O)	1:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one secondary action			support mitigation success (page 112). Council may wish to consider whether these ratios are appropriate. - With the proposed changes, off-site mitigation and on-site mitigation have the same ratios for Type N and Type O aquatic areas. This change may no longer incentivize applicants from completing mitigation on-site, which is typically preferred over off-site. The BAS report states “Higher off-site mitigation ratios than on-site ratios align with BAS because there is even greater uncertainty with off-site mitigation, as areas may or may not provide similar functions and conditions as on-site areas.” Council may wish to consider whether to increase these ratios consistent with BAS. - The proposed changes would no longer allow ratio reductions for off-site mitigation. Executive staff indicate that these existing provisions do not meet BAS and allows a net loss of ecological function. Removal of this reduction is a policy choice. - Riparian area mitigation ratios are increased from 1:1 to either 3:1 or 2:1. These mitigation ratios are higher than aquatic area mitigation ratios. Executive staff indicate that the ratios account for lost or impacted areas, the time lag between the impact and mitigation maturity, and uncertainty in mitigation success. Establishing higher baseline standards for riparian areas is a policy choice. - The proposed ordinance includes a new provision for alternative ratios based on the type of vegetation impacted. This system would lower the mitigation requirement by 33% to 66% of the standard with certain actions. The BAS report indicates that ratios below 3:1 alone are inadequate due to their risk of success and temporal lag. However, the BAS report indicates that “Including
Adjacent Aquatic Area Type	On-site Compensatory Mitigation Ratio																											
Shoreline (S)	3:1																											
Fish bearing(F)	3:1																											
Non-fish bearing (N)	3:1																											
Other (O)	2:1																											
Adjacent Aquatic Area Type	Impacts to Woody Vegetation	Impacts to Non-Woody Vegetation or unvegetated Areas																										
Shoreline (S)	2:1 ratio with at least one primary action or three secondary actions	1:1 ratio with at least two secondary actions																										
Fish bearing (F)																												
Non-fish bearing (N)																												
Other (O)	1:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one secondary action																										

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments										
G.1. If unable to be located on or within one-half mile of the site, off-site mitigation for riparian areas in the same drainage subbasin, may be accepted by the department and shall be in a mitigation banking site, resource mitigation reserve, or conservation easement if on private property. Off-site mitigation shall use the ratios of area of mitigation to area of impact in subsection G.2. of this section. 2. Off-site ratios of area of mitigation to area of impact of riparian areas: <table><tr><th>Adjacent Aquatic Area Type</th><th>Off-Site Compensatory Mitigation Ratio</th></tr><tr><td>Shoreline (S)</td><td>4:1</td></tr><tr><td>Fish bearing (F)</td><td>4:1</td></tr><tr><td>Non-fish bearing (N)</td><td>4:1</td></tr><tr><td>Other (O)</td><td>3:1; and</td></tr></table> H. For rectifying an illegal alteration to any type of aquatic area or ((its buffer)) riparian area, mitigation measures ((must meet the following standards)) shall: 1. For an aquatic area, be ((L))located on the site of the illegal alteration at a ((4:1))4:1 ratio of area of mitigation to area of ((alteration)) impact; ((and)) 2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1 ratio for adjacent type O aquatic areas; and 3. To the maximum extent practical, replicates the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section(;; and G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures. H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer)).	Adjacent Aquatic Area Type	Off-Site Compensatory Mitigation Ratio	Shoreline (S)	4:1	Fish bearing (F)	4:1	Non-fish bearing (N)	4:1	Other (O)	3:1; and			alternative on-site mitigation ratios with required supplemental actions will improve mitigation success because supplemental actions provide functions that can be realized in the near term and are equivalent to or greater than those being impacted. Increased mitigation requirements align with BAS and will help King County meet the GMA no net loss requirement for ecological functions” (page 117). Whether to allow alternative mitigation and to what degree are policy choices. • Council may wish to consider allowing a primary action as an option in addition to secondary actions. • Council may wish to expand this action to allow enhancement that goes above and beyond the “equal function” standard for those projects that achieves greater function than the impact area. Language could be revised to state: “Planting native or climate-smart trees and shrubs in a riparian area addition that is equal to one-half of the area of impact, contiguous with existing riparian areas, and in a manner that achieves equal or greater function than the impacted area.” • Off-site riparian area mitigation ratios are higher than aquatic area mitigation ratios. Executive staff indicate that mitigation ratios are higher to account for the temporal lag for vegetation to grow and provide riparian functions. Establishing higher baseline standards for riparian areas is a policy choice. • The mitigation ratio for illegal alterations was raised to 3:1 for Type O riparian areas and 4:1 for all other aquatic and riparian areas. Executive staff indicate that this would address not using typical best management practices and serving as a disincentive. The specific ratio for illegal alterations is a policy choice.
Adjacent Aquatic Area Type	Off-Site Compensatory Mitigation Ratio												
Shoreline (S)	4:1												
Fish bearing (F)	4:1												
Non-fish bearing (N)	4:1												
Other (O)	3:1; and												

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			• Subsection G. was removed due to confusion with code interpretation. Proposed changes would include alternative mitigation approaches. • Subsection H. is proposed to be removed. Temporary impacts would not be explicitly called out for mitigation as it is for wetland buffers. Executive staff indicate that this would be covered in a critical area report and this code, and that this Subsection H. is inappropriate to describe alterations as temporary and may not meet no net loss. Council may wish to consider whether to include code requirements for mitigation for temporary impacts. • Overall, Council may wish to consider restructuring and streamlining for ease of reading.
WILDLIFE HABITAT CONSERVATION AREAS			
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.1422 Wildlife. Wildlife: birds, fish and animals, that are not domesticated and are considered to be wild. (Ord. 15051 § 123, 2004). K.C.C. 21A.06.1423 Wildlife habitat conservation area. Wildlife habitat conservation area: an area for a species whose habitat the King County Comprehensive Plan requires the county to protect that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity. (Ord. 15051 § 124, 2004). K.C.C. 21A.06.1424 Wildlife habitat network. Wildlife habitat network: the official wildlife habitat network defined and mapped in the King County Comprehensive Plan that links wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation. (Ord. 15051 § 125, 2004). K.C.C. 21A.06.1425 Wildlife shelter. Wildlife shelter: a facility for the temporary housing of sick, wounded or displaced wildlife. (Ord. 10870 § 325, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.382 – Development standards for proposals and alterations for sites with wildlife habitat conservation areas present. <u>SECTION 76.</u> Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;	Corrects numbering error and removes duplicative language.	Technical and clarifying changes consistent with existing intent.	<i>Section Notes:</i> • This section identifies alteration limitations near species, such as specifying what constitutes a wildlife habitat conservation area around specific species and seasonal construction restrictions. <i>Policy Analysis:</i>

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
B. For a bald eagle: 1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from an active nest; 2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and ((2)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders or other heavy equipment, may not be operated within eight hundred feet of the nest; C. For a great blue heron: 1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and 2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery; D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-mile radius around an active nest; E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-thousand-five-hundred-foot radius around an active nest located outside of the urban growth area; F. For an osprey: 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius around an active nest; and 2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest; G. For a peregrine falcon: 1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff; 2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within one-half mile of the eyrie; and 3. New power lines may not be constructed within one-thousand feet of the eyrie; H. For a spotted owl, the wildlife habitat conservation area is an area with a three-thousand-seven-hundred-foot radius from an active nest; I. For a Townsend's big-eared bat: 1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony; 2. Between November 1 and March 31, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the urban growth area serving as a winter hibernacula; 3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed; 4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry; and 5. A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine; J. For a Vaux's swift: 1. The wildlife habitat conservation area is an area with a three-hundred-foot radius around an active nest located outside of the urban growth areas; 2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest; K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((not listed in subsections B. through J. of this section)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.			• The list of protected species was updated under the 2024 KCCP update. This list can be found in Chapter 5. • Executive staff indicate that the species-specific standards in this section are maintained under this proposed ordinance, as the BAS report did not indicate a reason to modify the standards in this section. Executive staff also note that requiring a minimum protective radius provides for more consistent application of appropriate standards. • Protected species includes those listed by the federal or state government as endangered, threatened, sensitive or candidate species, and those listed in the County’s “species of local importance.” This species of local importance list was updated in the Comprehensive Plan in 2024. According to Executive staff, if substantial clearing is proposed during breeding season in an area that potentially contains protected species, a survey to identify potential species would need to be conducted and protections put in place. Protections may vary based on the species.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.24.385 Wildlife habitat networks - applicability.	Not included in proposed ordinance	Not included in proposed ordinance	<i>Policy Analysis:</i> • References to urban planned developments should be deleted, as they were repealed in the 2024KCCP update.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
The department shall make certain that segments of the wildlife habitat network are set aside and protected along the designated wildlife habitat network adopted by the King County Comprehensive Plan as follows: A. This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network: 1. All urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions; and 2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement or setback area, and a notice of the existence of the segment has been recorded; B. Segments of the wildlife habitat network must be identified and protected in one of the following ways: 1. In urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions, native vegetation is placed in a contiguous permanent open-space tract with all developable lots sited on the remaining portion of the project site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or 2. For individual lots, the network is placed in a county-approved setback area. To the maximum extent practical, existing native vegetation is included in the network. The notice required by K.C.C. 21A.27.170 is required; and C. All wildlife habitat network tracts or setback areas must meet the design standards in K.C.C. 21A.24.386. (Ord. 15051 § 201, 2004: Ord. 13694 § 90, 1999: Ord. 11621 § 52, 1994. Formerly K.C.C. 21A.14.260).			• The critical area tracts section does not include fully contained communities. • Placing wildlife habitat networks in a tract for subdivisions, short subdivisions, and binding site plans is a policy choice. • Placing wildlife habitat networks in a setback instead of an easement is a policy choice.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.24.386 Wildlife habitat networks - development standards and alterations. The following standards apply to development proposals and alterations on sites containing wildlife habitat network: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network; B. The wildlife habitat network is sited to meet the following conditions: 1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary; 2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and 3. The network is contiguous with and includes critical areas and their buffers; 4. To the maximum extent practical, the network connects isolated critical areas or habitat; and 5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts or wooded areas on adjacent properties, if present; C. The wildlife habitat network tract must be permanently marked in accordance with this chapter; D. An applicant proposing recreation, forestry or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site must have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan; 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. Segments of the wildlife habitat network set aside in tracts, conservation easements or setback area must comply with K.C.C. 16.82.150;	Not included in proposed ordinance	Not included in proposed ordinance	<i>Policy Analysis:</i> • References to urban planned developments should be deleted, as they were repealed in the 2024 KCCP update.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
H. 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; I. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks and road projects. (Ord. 15051 § 203, 2004; Ord. 11621 § 53, 1994. Formerly K.C.C. 21A.14.386).			
K.C.C. 21A.24.388 - Wildlife habitat conservation area mitigation ratios. <u>SECTION 77.</u> 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, 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~~)) <u>shall</u> prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. <u>Off-site mitigation is limited to sites that will enhance the wildlife habitat conservation area;</u> B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic 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) <u>1.5:1</u> 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; C. For <u>temporary alterations</u>, the department may require <u>rectification</u>, restoration, or enhancement of the altered wildlife habitat network; D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions; E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including: 1. Soil type, conditions, and physical features; 2. Vegetation diversity and density; and 3. Biologic and habitat functions; and F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.	Increases mitigation ratio for illegal alterations made within a wildlife habitat network from 1:1 to 1.5:1.	The ratio is proposed to be increased to reduce the risk that mitigation will be insufficient to provide no net loss of ecological function.	<i>Section Notes:</i> • This section addresses mitigation ratios to compensate for adverse impacts to wildlife habitat conservation areas and wildlife habitat networks. <i>Policy Analysis:</i> • Executive staff indicate that “<u>sites that will enhance the wildlife habitat conservation area</u>” refers to enhancing/benefiting the species or habitat that was impacted. Given that this sentence concerns mitigation in a different location than the original wildlife habitat conservation area, it may be clearer to state that the off-site mitigation will enhance the habitat of the species impacted. • <u>This ratio</u> is recommended by WDFW and supported by Executive staff to address uncertain success rates from mitigation. • <u>Temporary alterations</u> do not have a prescribed ratio. Executive staff indicate that a 1:1 restoration ratio would be a baseline from following mitigation sequencing standards and DLS could require enhancement beyond the baseline, depending on the nature of the impact. This is a policy choice. • Council may wish to change “<u>alterations</u>” to “impacts” and “<u>rectification</u>” to “rehabilitation” for clarity.
AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS			
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 23.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which grazing livestock are excluded.	Adds definition for “grazing area buffer.”	The existing K.C.C. uses the word “buffer” ambiguously, sometimes meaning critical area buffers,	<i>Policy Analysis:</i> • Please refer to the analysis for K.C.C. 21A.24.051 (page 85) and K.C.C. 21A.30 (page 86) for standards related to grazing area buffers.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
		sometimes meaning grazing area buffers. This definition is proposed to be added to define grazing area buffers. Additionally, code standards are proposed to be clarified to say which apply to critical area buffers or riparian areas and which apply to grazing areas.	No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE K.C.C. 21A.06.700 Livestock, large. Livestock, large: cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 10870 § 180, 1993). K.C.C. 21A.06.705 Livestock, small. Livestock, small: hogs, excluding pigs weighing under 120 lbs. and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 10870 § 181, 1993). K.C.C. 21A.06.707 Livestock heavy use area. Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health. (Ord. 17539 § 21, 2013). K.C.C. 21A.06.708 Livestock manure storage facility. Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality. (Ord. 17539 § 22, 2013).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.051 Agricultural activities development standards. <u>SECTION 42.</u> Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows: A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ~~((the buffers of))~~ wetland~~((s)) buffers, ((aquatic areas)) riparian areas,~~ and wildlife habitat conservation areas,)when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30. B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan. C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.	Technical changes regarding alterations and/or expansion within critical areas for agricultural activity uses with an approved farm management plan.	Changes to remove redundancy, improve clarity, and make consistent use of current terminology. Reorders existing content for more logical flow. Existing intent is retained.	<i>Section Notes:</i> - Farm management plans are required to be consistent with this section. Where livestock is farmed, farm management plans must also be consistent with K.C.C. 21A.30.045 (page 86). - Farm management plans are created by the King Conservation District (KCD) and farm operators to meet individual farm management objectives and minimize impacts to critical areas. If the plans provide certain benefits, such as regulatory

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
D. <u>The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.</u> A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority: 1. To maintain the productive agricultural land base and economic viability of agriculture on the site; 2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner; 3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site; 4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and 5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan. E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall: 1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program; 2. Consider the priorities of the King County shoreline protection and restoration plan; and 3. Ensure no net loss of shoreline ecological functions <u>and critical area functional and values.</u> F. ~~((The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.))~~ The plan shall include, but is not limited to, the following elements: 1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site; 2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ~~((their))~~ <u>associated</u> buffers, and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages; 3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading; 4. A plan for implementation of performance standards and best management practices; 5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ~~((their))~~ <u>associated</u> buffers ~~((and to modify)).~~ <u>Modification to the farm management plan should occur if adverse impacts ((their)) are identified.</u> G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240. H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ~~((which may be through a program offered or approved by King County.))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section. I. ~~((Once approved, a))~~ Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ~~((the department of local 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.			flexibility or PBRs credit, they are reviewed and approved by DNRP. <i>Policy Analysis:</i> • The County has a <u>public rule</u> dating to 2005. The <u>BAS report</u> recommends an update to this public rule to clarify the review and approval process, ensure use of the most current best management practices, and support application of a monitoring and adaptive management framework. The BAS report indicates that the Executive plans to update the rule following the adoption of this proposed ordinance. Whether to defer the requirements of a Farm Plan to a public rule process, rather than adopted through ordinance adopted by the Council, is a policy choice. Whether to have KCD, a separate government from the County, implement and enforce the plans, is also a policy choice.
K.C.C. 21A.30.045 - Farm management plan requirements. <u>SECTION 83.</u> Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows: A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria: 1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060; 2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing <u>wetland and aquatic areas</u> including, but not limited to: a. livestock watering; b. grazing and pasture management;	(1) Changes references of "aquatic area buffers" to "riparian areas." (2) Changes term "salmonid" to "fish." (3) Updates standards for grazing area buffer including diverse, mature vegetation for type S and F aquatic areas	(1) Changes are proposed throughout the code to change term or reference from "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	<i>Section Notes:</i> • This section addresses the livestock management component of a farm management plan. <i>Policy Analysis:</i> • <u>Wetland buffers and riparian areas</u> could be added to this subsection, as these are also areas that should be protected and are addressed in Subsection A.2.e.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments																																																
c. confinement area management; d. manure management; and e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas, and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet meadows. 3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and 4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat. Monitoring results shall be available to the King County agriculture program. B. The livestock management component of a farm management plan shall, at a minimum: 1. ~~((Generally s))~~ <u>Seek to achieve a</u> ~~((twenty-five-foot buffer of))~~; <u>forty-foot-wide grazing area buffer including</u> diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows~~((, using buffer averaging where necessary to accommodate existing structures))~~; <u>thirty-five-foot-wide grazing area buffer including</u> diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and <u>twenty-foot-wide grazing area buffer including</u> diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows. The livestock management component of a farm management plan~~((s))~~ may vary the width of the <u>grazing area</u> buffer ~~((of an aquatic area or wetland))~~, and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different <u>grazing area</u> buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ~~((N or))~~ O waters. ~~((Forested lands being cleared))~~ <u>Clearing of lands</u> for grazing ~~((areas))~~ shall comply with the <u>riparian area widths and critical area buffers and all applicable regulations</u> in K.C.C. chapter 21A.24; 2. ~~((Assure))~~ <u>Ensure</u> that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands; 3. Achieve an <u>additional twenty</u>~~((-foot buffer))~~ <u>feet of diverse, mature vegetation</u> downslope of any confinement areas within two hundred feet of type S~~((and))~~, F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if: a. a minimum buffer of ~~((twenty-five))~~ <u>forty</u> feet of diverse, mature vegetation is achieved; b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and 4. Include a schedule for implementation. C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan. D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion. E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035. <u>F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.</u>	category I, II, or III wetlands except grazed wet meadows from 25 feet or 40 feet, which can be modified by the livestock management component of a farm management plan. (4) Updates the term "buffer" to "grazing area buffer." (5) Adds a standard for grazing area buffers including diverse, mature vegetation of 35 feet for type N aquatic areas, which can be modified by the livestock management component of a farm management plan. (6) Adds a standard for grazing area buffers including diverse, mature vegetation of 20 feet for category IV wetlands other than grazed wet meadows, which can be modified by the livestock management component of a farm management plan. (7) Adds provision stating that properties operating subject to an	(2) Changes are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just salmonids. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) – (6) Increased grazing area buffer width provides greater protection of wetland buffer and riparian area functions while limiting the reduction of the amount of farmable lands. (7) Clarifies when the proposed standards in this section would apply.	- Animals are allowed to graze in these critical areas outside of the grazing area buffer. Council may wish to clarify this by including “except as otherwise allowed under this title”. - The grazing area buffers (the minimum distance between a critical area and a grazing area) are proposed to increase between 15 and 50 feet for most areas, depending on the type or category of wetland or aquatic area and whether a farm management plan (FMP) is provided. The table below shows a simplified summary of the major changes. <table><tr><th>Type</th><th>FMP</th><th>Existing</th><th>Proposed</th></tr><tr><td colspan="4">RIPARIAN AREA</td></tr><tr><td>S or F</td><td>Yes</td><td>25 ft</td><td>40 ft</td></tr><tr><td>S or F</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>N</td><td>Yes</td><td>0 ft</td><td>35 ft</td></tr><tr><td>N</td><td>No</td><td>0 ft</td><td>50 ft</td></tr><tr><td>O</td><td>Y/N</td><td>0 ft</td><td>0 ft</td></tr><tr><td colspan="4">WETLAND BUFFER</td></tr><tr><td>I, II, or III</td><td>Yes</td><td>25 ft</td><td>50 ft</td></tr><tr><td>I, II, or III</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>IV</td><td>Yes</td><td>0 ft</td><td>20 ft</td></tr><tr><td>IV</td><td>No</td><td>0 ft</td><td>25 ft</td></tr></table> - Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this matrix. Maintaining the	Type	FMP	Existing	Proposed	RIPARIAN AREA				S or F	Yes	25 ft	40 ft	S or F	No	50 ft	50 ft	N	Yes	0 ft	35 ft	N	No	0 ft	50 ft	O	Y/N	0 ft	0 ft	WETLAND BUFFER				I, II, or III	Yes	25 ft	50 ft	I, II, or III	No	50 ft	50 ft	IV	Yes	0 ft	20 ft	IV	No	0 ft	25 ft
Type	FMP	Existing	Proposed																																																
RIPARIAN AREA																																																			
S or F	Yes	25 ft	40 ft																																																
S or F	No	50 ft	50 ft																																																
N	Yes	0 ft	35 ft																																																
N	No	0 ft	50 ft																																																
O	Y/N	0 ft	0 ft																																																
WETLAND BUFFER																																																			
I, II, or III	Yes	25 ft	50 ft																																																
I, II, or III	No	50 ft	50 ft																																																
IV	Yes	0 ft	20 ft																																																
IV	No	0 ft	25 ft																																																

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
	existing livestock management farm plan have met the standards in this section.		program and buffer widths for livestock is a policy choice. • The code identifies buffers as a goal, where plans should “seek to achieve” these buffers. Executive staff indicate that the changes “clarify the minimum benchmark to be applied to riparian areas.” The language is intended to reflect that the King Conservation District and the landowner develop the plan, which is tailored to the site and the County cannot require restoration for past development impacts, while also acknowledging mature vegetation may take substantial effort to achieve. As proposed, this language would not require a minimum buffer, and instead would establish a target that could be lower or higher than the widths identified. This is not described in the BAS report in this manner; instead the BAS report treats them as a minimum requirement. • It may be clearer to add back in language that the 20 feet is a buffer that is in addition to the existing grazing area buffer.
K.C.C. 21A.30.060 - Animal regulations – Livestock management standards. <u>SECTION 84.</u> Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows: Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a((#)) livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards. A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options: 1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply. 2. Livestock access to type S((and)), F, and N waters((, including their buffers)) and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas. a. Fencing shall be used as necessary to prevent livestock access to type S ((and)), F, and N waters. b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits. B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ((vegetative buffer of fifty feet)) fifty-foot-wide grazing area buffer from the ((wetland)) edge of a category I, II((or)), III, or IV wetland, except those wetlands meeting the	(1) Adds type N waters to aquatic area types to which livestock access standards apply. (2) Adds category IV wetlands to the wetland categories to which grazing area buffer standards apply. (3) Updates the term "vegetative buffer" to "grazing area buffer." (4) Clarifies that properties with existing fencing installed at distances other than those	(1) Type N waters flow into fish bearing streams and are proposed to be added to provide greater protection of riparian area functions while limiting the reduction of the amount of farmable land. (2) Category IV wetlands should be protected similarly to other wetland types from the impacts of livestock due to their importance for wildlife and water	<i>Section Notes:</i> • This section addresses livestock on farms without a farm management plan. <i>Policy Analysis:</i> • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
definition of grazed wet meadows, or the ordinary high water mark of a type S((~~or~~)), F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a category IV wetland except those wetlands meeting the definition of grazed wet meadows. 2. ((~~Forested~~)) Lands being cleared for grazing areas shall comply with the riparian area widths and critical area buffers and the associated regulations in K.C.C. chapter 21A.24. 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((~~forested~~)) lands are being cleared for grazing areas. 4. Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock. 5. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements. 6. Grazing areas within two hundred feet of a type S((~~or~~)), F, or N water or category I, II((~~or~~)), III, or IV wetland shall not be plowed during the rainy season from October 1 through April 30. 7. Grazing areas may extend to the property line, provided that type S((~~or~~)), F, or N waters and category I, II((~~and~~)), III, or IV wetlands that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection B.1., 2., or 3. of this section. C.1. In addition to the buffers in subsection B.((~~1. and 2.~~)) of this section, confinement areas located within two hundred feet of any type S((~~or~~)), F, or N waters or category I, II((~~or~~)), III, or IV wetlands with the exception of grazed wet meadows shall: a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover; b. not be located in ((~~the buffer of~~)) a riparian area adjacent to any type S((~~or~~)), F, or N water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II((~~or~~)), III, or IV wetland or the ordinary high water mark of any type S((~~or~~)), F, or N water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer((~~Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and c. have roof drains of any buildings in the confinement area diverted away from the confinement area. 2. Confinement areas may extend to the property line((~~;~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section. D.1. Manure storage areas shall be managed as follows: a. Surface flows and roof runoff shall be diverted away from manure storage areas; b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ((~~or~~)), F, or N water or the edge of a category I, II((~~or~~)), III, or IV wetland 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; c. Manure shall not be stored in any ((~~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. Manure piles shall not be closer than one hundred feet uphill from: (1) any wetland edge excluding grazed or tilled wet meadows; (2) the ordinary high water mark of any aquatic area; or (3) any ditch to which the topography would generally direct runoff from the manure; and d. 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. E. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.	specified in this section for which livestock management farm plans have been developed are considered compliant if approved fencing is present for all type S and F aquatic areas.	quality, although they are proposed to have a smaller grazing area buffer than the other categories. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) Establishes when the proposed standards in this section would apply.	areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this matrix. Maintaining the program and buffer widths for livestock proposed by the ordinance is a policy choice. • “Existing grazing areas not addressed by K.C.C. chapter 21A.24” is intended to cover those areas without a farm plan. Council may wish to clarify this. • The proposed ordinance includes two grazing area buffer widths for Category IV wetlands. Executive staff indicate that the 25-foot grazing area buffer was intended. Council may wish to clarify the buffer width for a Category IV wetland. • Grazed wet meadows would not be subject to a buffer, which is a policy choice. Grazed wet meadows are defined as “an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities. “ • This existing provision would allow buffers to be reduced to 25 feet if “diverse, mature vegetation already exists” on properties without a farm management plan. This buffer would be lower than the buffers identified for properties with a farm management plan, meaning that the provisions would disincentivize property owners from obtaining a farm management plan. This provision could be removed to be consistent with the increased buffers proposed. • It is unclear how these provisions would be applied within the shoreline jurisdiction. Council may wish to consider how address these standards in the shoreline jurisdiction.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
F. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards~~((—Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005))~~, provided approved fencing is present for all type S and F aquatic areas. G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.			
RURAL STEWARDSHIP PLANS			
21A.24.055 - Rural stewardship plans. A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section. B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan. C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors: 1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map; 2. The existing condition of wetland and aquatic area buffers; 3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number 14-06-029, published October 2014; 4. The location of the site in the drainage basin; 5. The percentage of impervious surfaces and clearing on the site; and 6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred. D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan. E. Modifications of critical area buffers shall be based on the following prioritized goals: 1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction; 2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife; 3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical; 4. To maintain, restore or enhance native vegetation; 5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site; 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats; 7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and 8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary. F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall: 1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program; 2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and 3. Ensure no net loss of shoreline ecological functions. G. A rural stewardship plan may include, but is not limited to, the following elements: 1. Critical areas designation under K.C.C. 21A.24.500; 2. Identification of structures, cleared and forested areas and other significant features on the site;	Repealed.	The County is not currently approving or administering rural stewardship plans. Some code flexibilities offered by Rural Stewardship Plans, such as buffer averaging, are still available in the proposed code.	<i>Section Notes:</i> • This proposed repeal would eliminate rural stewardship plans, which is a voluntary plan where RA property owners could reduce buffers, enroll in the public benefit rating system (PBRs), or receive technical assistance in exchange for implementing site-specific best management practices. • Executive staff indicate that the rural stewardship program was infrequently used and did not have a dedicated staff team to support the program. <i>Policy Analysis:</i> • Buffer reductions, such as those allowed under this code section, depart from BAS, as buffer reductions could result in net loss of environmental functions. The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this matrix. • The removal of rural stewardship plans would remove allowances for reduced buffers, alternative review of impacts, and potential property tax reductions under the PBRs program under the rural stewardship element. • Eliminating the program is a policy choice.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat; 4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development; 5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site; 6. A schedule for implementation of the elements of the rural stewardship plan; and 7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur. H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section. I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100. J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply: 1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and 2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter. K. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section. L. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of local 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 to determine whether the activity is consistent with the rural stewardship plan. (Ord. 19034 § 24, 2019: Ord. 18791 § 174, 2018: Ord. 17420 § 103, 2012: Ord. 16985 § 121, 2010: Ord. 16267 § 41, 2008: Ord. 15051 § 139, 2004).			
K.C.C. 21A.24.061 - Public rules for rural stewardship and farm management plans. <u>SECTION 43.</u> 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 <u>natural resource land and</u> 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 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))~~, consistent with the provisions of this section. The rules shall ~~((not compromise))~~ <u>be consistent with</u> the King Conservation District’s mandates or standards for farm management planning. C. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ~~((the assistance shall be provided at little or no cost to landowners))~~ <u>the cost of such assistance shall be minimal to the landowner.</u> ~~((In addition, t))~~The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ~~((and make available to the public,))~~ model farm management~~((, forest management and rural stewardship))~~ plans illustrating examples of plan application content, drawings, and site plans, ~~((to assist landowners in their development of site specific plans for their property))~~ <u>and make available to the public.</u> D. The department of natural resources and parks ~~((is))~~ <u>shall be</u> the primary county agency responsible for ~~((rural stewardship plans and))~~ farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out ~~((its))~~ <u>the</u> responsibilities under this chapter relating to ~~((rural stewardship plans and))~~ farm management plans. The department of natural resources and parks, the department of local services,	(1) Removes references to rural stewardship plans. (2) Technical corrections.	(1) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (2) Correcting formatting and grammatical errors.	<i>Policy Analysis:</i> • No issues identified. If the Council chooses to keep rural stewardship plans (as discussed in the row above), this section should be updated.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to ~~((rural stewardship plans and))~~ farm management plans. E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural stewardship and))~~ farm management plans in meeting the goals and objectives of those plans established in this chapter.			
NOT INCLUDED IN PROPOSED ORDINANCE 16.82.154 Clearing - modification of limits through farm management and rural stewardship plans. The clearing limits of K.C.C. 16.82.150 and 16.82.152 may be modified through a farm management plan or rural stewardship plan approved in accordance with K.C.C. 21A.24.051 and 21A.24.055. (Ord. 15053 § 16, 2004).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Policy Analysis:</i> If the Council chooses to repeal rural stewardship plans, K.C.C. 16.82.154 should be updated to reflect the repeal.
K.C.C. 20.36.100 - Sets definitions, eligibility, and standards for the County's Public Benefit Rating System program. <u>SECTION 4.</u> Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are hereby amended to read as follows: A. The definitions in this section apply throughout this section, as well as in K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise. B. To be eligible for open space classification under the public benefit rating system, a property shall contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section. C. The following open space resources are each eligible for the points indicated: 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.xxx ~~(((the new section created by)))~~ <u>Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s)))</u> Section 21 ~~((of this ordinance))~~ , for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners; 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;	(1) Removes the opportunity to obtain Public Benefit Rating System points for implementing a rural stewardship plan. (2) Changes term "salmonid" to "fish". (3) Changes term "significance" to "importance". (4) Removes reference to the rural stewardship plan. (5) Technical corrections	(1) The section of code allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (2) Changes are proposed throughout the code to change "salmonid" to "fish", where appropriate, to be consistent with King County's current protection of all fish species listed by the Washington Dept. of Fish and Wildlife (WDFW), the Washington Department of Natural Resources (WA DNR) and King County species of local importance, not just salmonids. (3) Changes are proposed throughout the code to change phrase "species of local significance" to "species of local importance", consistent with King	<i>Section Notes:</i> - The public benefit rating system (PBRs) is a current use taxation program that allows reduced property taxes for the preservation of open space on private property. Properties receive reductions based on the type and quantity of open space present. An eligible property would receive a 50% reduction or greater, depending on how many points are awarded. <i>Policy Analysis:</i> - The proposed ordinance would remove “rural stewardship plans” as an eligible open space resource qualifying for PBRs. - Under the current rural stewardship option, properties must be: RA, A, or F; at least one acre in size; have a native plant community (or be in the process of planting); and have implemented rural stewardship plan. A rural stewardship plan would include identifying critical areas, structures, and significant features, implementing site-specific best management practices, a schedule for implementation, and a plan for monitoring. - Executive staff indicate that the rural stewardship program was infrequently used and did not have a dedicated staff team to support the program. Removing the rural stewardship plan option in the PBRs program is a policy choice. Councilmembers may wish to consider whether to eliminate the rural stewardship

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met: a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing; b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area; c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration ~~((categories))~~ category; 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.xxx ~~((the new section created by))~~ Ordinance XXXXX (Proposed Ordinance 2023-0440), ~~((s)))~~Section 21 ~~((of this ordinance)))~~, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage; 6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category; 7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ~~((or rural stewardship land categories))~~ category; 8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program		County Comprehensive Plan terminology. (4) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (5) Corrections made to formatting and grammar.	provision entirely as proposed by the Executive, replace the option with similar criteria that would not require the establishment of a plan, or add other options to support properties that may have increased buffers under other critical areas changes in this proposed ordinance.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use; 9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and 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 or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that: a. has a plant community in which native plants are dominant; or b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ((rural stewardship,)) or resource restoration plan acceptable to the department; 13. ((Rural stewardship land – five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A and F zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories; 14.)) Scenic resource, viewpoint, or view corridor – five points. a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.			

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way. c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. The site shall have ((a)) significant cultural areas and contain significant inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction; ((15-)) 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category; ((16-)) 15. Significant wildlife or ((salmonid)) fish habitat - five points. a. "Significant wildlife or ((salmonid)) fish habitat" means: (1) an area used by animal species listed as endangered, threatened, sensitive, or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local ((significance)) importance that are listed by the King County Comprehensive Plan or a local jurisdiction; (2) an area where the species listed in subsection C.((16-))15a.(1) of this section are potentially found with sufficient frequency for critical ecological processes, such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur; (3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife and that is so listed by the King County Comprehensive Plan or by the local jurisdiction in which the property is located; or (4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction. b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.((16-))15.a. of this section. To receive credit for ((salmonid)) fish habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible; ((17-)) 16. Special animal site - three points. "Special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a biodiversity area and corridor identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application as identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category; ((18-))17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, ((rural stewardship,)) or resource restoration plan. Grazing use by livestock on such land is prohibited; ((19-)) 18. Urban open space - five points. a. "Urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(1) the land conserves and enhances natural or scenic resources; (2) the land protects streams or water supply; (3) the land promotes conservation of soils, wetlands, beaches, or tidal marshes; (4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (5) the land enhances recreation opportunities for the general public; or (6) the land preserves visual quality along highways, roads, and streets or scenic vistas. b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and ((20-)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((, or rural stewardship)) plan that addresses this need and is acceptable to the department. D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows: 1. Conservation easement or historic preservation easement - eighteen points. "Conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The easement is subject to approval by the department and shall be recorded with the King County recorder's office or its successor. The easement shall be conveyed to the county or to an organization acceptable to the department, such as a land trust or conservancy. Historic preservation easements are subject to approval by the historic preservation officer of King County or of the local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required; 2. Contiguous parcels under separate ownership - two points. a. "Contiguous parcels under separate ownership" means at least two or more parcels under different ownership where either: (1) the enrolling parcels and open space acreage abut each other without a significant human-made barrier separating them; or (2) the enrolling parcels do not abut each other, but abut a publicly owned open space, without a significant human-made barrier separating the publicly owned open space and the open space portion of the parcels seeking open space classification. b. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Only a single application fee is required. c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program. d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories. e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner; 3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;			

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
4. Public access - points depend on type and frequency of access allowed. "Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic (~~((properties))~~) <u>properties</u> is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications. a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner. b. Limited public access (~~((because of))~~) <u>due to</u> resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner. c. Seasonally limited public access - three points. Access by the public is allowed only for part of the year due to due to seasonal conditions, as mutually agreed to by the landowner and the department. d. Environmental education access - three points. The landowner enters into an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or, with the agreement of the department, with another community organization that allows membership by the general public to provide environmental education to its members or the public at large. The department shall verify that the enrolled portion of the property has value for environmental education purposes. e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and 5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is 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(~~((;))~~) <u>or</u> forest stewardship land(~~((; or rural stewardship land))~~) categories.			
SHORELINE MASTER PROGRAM			
K.C.C. 20.12.200 - Lists the portions of the King County Comprehensive Plan and King County Code that constitute the County's Shoreline Master Program. <u>SECTION 3.</u> Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended to read as follows: A. The King County shoreline master program consists of the following elements, enacted on or before the <u>date of enactment of</u> (~~((Ordinance XXXX (Proposed Ordinance 2023-0440))~~) this ordinance: 1. The King County Comprehensive Plan chapter six; 2. K.C.C. chapter 21A.25; 3. The following sections of K.C.C. chapter 21A.24: a. K.C.C. 21A.24.045; b. K.C.C. 21A.24.051; c. (~~((K.C.C. 21A.24.055;~~ d.)) K.C.C. 21A.24.070.A., B.2., C.2., D., and E.; (~~((e.))~~) <u>d.</u> K.C.C. 21A.24.125; (~~((f.))~~) <u>e.</u> K.C.C. 21A.24.130;	Removes K.C.C. 21A.24.055 from the list.	K.C.C. 21A.24.055 is proposed to be repealed in this ordinance.	<i>Section Notes:</i> • This section provides a list of code sections that comprise the Shoreline Master Program. <i>Policy Analysis:</i> • Council staff continues to work with Executive staff on how the farm management plan and livestock management section apply within the shoreline jurisdiction.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
((g-)) f. K.C.C. 21A.24.133; ((h-)) g. K.C.C. 21A.24.200; ((i-)) h. K.C.C. 21A.24.210; ((j-)) i. K.C.C. 21A.24.220; ((k-)) j. K.C.C. 21A.24.275; ((l-)) k. K.C.C. 21A.24.280; ((m-)) l. K.C.C. 21A.24.290; ((n-)) m. K.C.C. 21A.24.300; ((o-)) n. K.C.C. 21A.24.310; ((p-)) o. K.C.C. 21A.24.316; ((q-)) p. K.C.C. 21A.24.318; ((r-)) q. K.C.C. 21A.24.325; ((s-)) r. K.C.C. 21A.24.335; ((t-)) s. K.C.C. 21A.24.340; ((u-)) t. K.C.C. 21A.24.355; ((v-)) u. K.C.C. 21A.24.358; ((w-)) v. K.C.C. 21A.24.365; ((x-)) w. K.C.C. 21A.24.380; ((y-)) x. K.C.C. 21A.24.382; ((z-)) y. K.C.C. 21A.24.386; and ((aa-)) z. K.C.C. 21A.24.388; 4. The following: a. K.C.C. 20.18.050; b. K.C.C. 20.18.056; c. K.C.C. 20.18.057; d. K.C.C. 20.18.058; e. K.C.C. 20.22.160; f. K.C.C. 21A.32.045; g. K.C.C. 21A.44.090; h. K.C.C. 21A.44.100; and i. K.C.C. 21A.50.030; <u>and</u> 5. The 2024 King County Flood Management Plan. B. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local administrative, enforcement, and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the <u>shoreline</u> master program. C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of an electronic copy, with the clerk of the council, who shall retain the original and provide electronic copies to all councilmembers, the chief of staff, and the lead staff of the local services and land use committee, or its successor.			
K.C.C. 21A.25.100 - Shoreline use allowances within each shoreline environment. <u>SECTION 78.</u> Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows: A. The shoreline use table in this section determines whether a specific use 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 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;	(1) Technical corrections (2) Changes references of "aquatic area buffers" to "riparian areas."	(1) Corrects various grammatical, formatting, and errors. (2) Changes are proposed throughout the code to change term or reference to	<i>Section Notes:</i> • This section identifies what uses are allowed, conditional, or not allowed within each shoreline environmental designation in the shoreline jurisdiction. <i>Policy Analysis:</i> • Although residential development is identified as allowed in some shoreline

Code									Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
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.										"aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	environments, it is not allowed in riparian areas under the critical area alterations table in K.C.C. 21A.24.045 (page 15). There is extensive, but not necessarily complete, overlap between Type S riparian areas and the shoreline jurisdiction. Increases to the riparian area widths under K.C.C. 21A.24.358 (page 73) could mean that residential properties are entirely with a riparian area. New residential development is allowed in some shoreline environmental designations but <i>not</i> allowed in riparian areas (page 15). Increases to riparian area widths may result in more situations of reasonable use exceptions, critical area alteration exceptions, or denial of residential development. Reasonable use exceptions are processed as a shoreline variance in the shoreline jurisdiction. A shoreline variance requires approval by the Department of Ecology. How to address residential development that is both in the shoreline jurisdiction and subject to the critical area regulations is a policy choice.
	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic			
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											
General services (K.C.C. 21A.08.050)	P4	P5	P5								
Business services, except SIC Industry 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6										
Retail (K.C.C. 21A.08.070)	P7	P8									
Government Services											
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10			
Forest Practices											
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11				
Industry											

Code									Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
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.08.060)	P14	P14	P14	P14	P14	P14	P14	C14			
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15			
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16			
Mining											
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17			
Recreational Development											
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C			
Residential Development											
Single detached residences (K.C.C. 21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))Section 148 ((of Proposed Ordinance 2023-0442))))		P	P	P	P	C22	C22				
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P						
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))Section 148 ((of Proposed Ordinance 2023-0442))))	P23	P									
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24				
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27						

Code									Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
21A.08.030)											
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.08.060)											
Automotive parking (K.C.C. 21A.08.060)											
Off-street required parking lot (K.C.C. 21A.08.060)											
Utilities											
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26			
Regional land uses											
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30										
C. Development conditions:											
1. In the ((N))natural shoreline environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.											
2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.											
b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.											
c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.											
d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.											
e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.											
f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.											
g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.											
3.a. New marinas are not allowed along the east shore of <u>Vashon</u> -Maury Island, from Piner Point to Point Robinson.											
b. Marinas shall meet the standards in K.C.C. 21A.25.120.											
4. Water dependent general services land uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent general 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 general services land uses in K.C.C. 21A.08.050 are allowed.											
b. Nonwater-dependent general 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 general service((s)) land uses shall provide a ((significant)) public benefit by ((helping to achieve)) <u>achieving</u> one or more of the following shoreline master program goals:											

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(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.08.060 are allowed. b. Nonwater-dependent government services in K.C.C. 21A.08.060 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. ~~((C))~~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			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(4) use the best available technology; e. ~~((Θ))~~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. ~~((Β))~~breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ~~((Α))~~aquatic environment adjacent to the ~~((Ε))~~conservancy and ~~((Ν))~~natural shorelines. 11. In the ~~((Ν))~~natural <u>shoreline</u> 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. ~~((Ν))~~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; (2) topside cleaning, detailing, and bright work; (3) electronics servicing and maintenance; (4) marine sanitation device servicing and maintenance that does not require haul-out; (5) vessel rigging; and (6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline. 13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility, and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. 14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if: a. there is no feasible alternate location; b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and c. the use complies with the standards in K.C.C. 21A.25.260. 15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. 16. Limited to hatchery and fish preserves. 17. Mineral uses: a. shall meet the standards in K.C.C. chapter 21A.22; b. shall be dependent upon a shoreline location;			

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
c. shall avoid and mitigate adverse impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species; d. shall provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting; e. may be allowed within the active channel of a river only as follows: (1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; (2) the mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and (3) if no review has been previously conducted under this subsection C.17.e., before renewing, extending, or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and f. shall comply with K.C.C. 21A.25.190. 18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ~~((H))~~high ~~((H))~~intensity <u>shoreline</u> environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation. 19. Water-dependent and water-enjoyment recreational uses are allowed in the ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry <u>shoreline</u> environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation. 20. In the ~~((C))~~conservancy <u>shoreline</u> environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation: a. parks; and b. trails. 21. In the ~~((N))~~natural <u>shoreline</u> environment, only passive and low-impact recreational uses are allowed. 22. Single detached residences shall be located outside of the ~~((aquatic area buffer))~~ <u>riparian area</u> and set back from the ordinary high water mark to the maximum extent practical. 23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction. 24. Residential accessory uses shall meet the following standards: a. docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180; b. residential accessory structures located within the ~~((aquatic area buffer))~~ <u>riparian area</u> shall be limited to a total footprint of one-hundred fifty square feet; and c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical. 25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ~~((N))~~natural environment. 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260. 27. Only bed and breakfast guesthouses. 28. Only in a marina. 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280. 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.			
K.C.C. 21A.25.110 - Development regulations for aquaculture facilities in shoreline environments. <u>SECTION 79.</u> Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows: An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture: A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical. B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term. (2) Technical corrections.	(1) Update aligns with Shoreline Management Act (SMA) guidance. (2) Corrects various grammatical, formatting, and errors.	<i>Policy Analysis:</i> • No issues identified.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
practical. C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats. D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions shall be prohibited. E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses. F. Aquaculture facilities shall be designed, located, and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species. 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 five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate. K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies. L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities. M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington state Department of Health. This prohibition does not apply to((?)) Pacific, Olympia, Kumomoto, Belon, or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams. N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County. O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock. P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark. Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste	(3) Adds "Indian" to tribes.	(3) Updates to use current terminology.	

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation. R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required. S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section: 1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point; 2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail; 3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics; 4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program; 5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing; and 6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of <u>local services, permitting division</u>, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence. T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements. U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected <u>Indian</u> tribes through the permit review process. V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23. W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae. X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited. Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements: 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, <u>critical saltwater or critical freshwater habitat</u>, 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:			

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
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: a. within three hundred feet of an area containing eelgrass or a kelp bed; b. within one thousand five hundred feet of an ordinary high water mark; or c. in a designated Washington state Department of Natural Resources aquatic reserve; 6. A finfish net pen may not be used to mitigate the impact of a development proposal; and 7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years. Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).			
K.C.C. 21A.25.150 -Recreational development standards within shoreline environments. <u>SECTION 80.</u> Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows: Recreational development must meet the following standards: A. The recreational development must be permitted in the underlying zone; B. Recreational uses in the ((N))<u>natural shoreline</u> environment must be water-oriented; C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical; D. The development of underwater sites for sport diving shall not: 1. Take place at depths of greater than eighty feet; 2. Constitute a navigational hazard; and 3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site; E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180; F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120; G. Campgrounds in the ((N))<u>natural shoreline</u> environment shall meet the following conditions: 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((s)) buffers; 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and 3. Removal of vegetation shall be limited to the maximum extent practical; H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area; I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches or shelter, consistent with public safety and security; J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term. (2) Technical corrections.	(1) Update aligns with SMA guidance. (2) Various grammatical, formatting, and correction of existing code errors.	<i>Policy Analysis:</i> • No issues identified.
K.C.C. 21A.25.160 - Shoreline modifications allowed within shoreline environments. <u>SECTION 81.</u> 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	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term.	(1) Update aligns with SMA guidance. (2) Corrects various grammatical,	<i>Section Notes:</i> • This section identifies what modifications are allowed, conditionally allowed, or not allowed within each shoreline

Code									Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments																																																																																																			
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; 5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table; 6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and 7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program. B. Shoreline modifications. <table><tr><th></th><th>High Intensity</th><th>Residential</th><th>Rural</th><th>Conservancy</th><th>Resource</th><th>Forestry</th><th>Natural</th><th>Aquatic</th></tr><tr><td>Shoreline stabilization</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Shoreline stabilization, not including flood protection facilities</td><td>P1</td><td>P1</td><td>P1</td><td>C1</td><td>P1</td><td>C1</td><td></td><td>P1 C1</td></tr><tr><td>Flood protection facilities</td><td>P2</td><td>P2</td><td>P2</td><td>P2</td><td>P2</td><td></td><td>P2</td><td>P2</td></tr><tr><td>Piers and docks</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Docks, piers, moorage, buoys, floats, or launching facilities</td><td>P3</td><td>P3</td><td>P3</td><td>C3</td><td>C3</td><td>C3</td><td></td><td>P3 C3</td></tr><tr><td>Fill</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Filling</td><td>P4 C4</td><td>P4 C4</td><td>P4 C4</td><td>P4 C4</td><td>P4 C4</td><td>C4</td><td>C4</td><td>P4 C4</td></tr><tr><td>Breakwaters, jetties, groins, and weirs</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Breakwaters, jetties, groins, and weirs</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td><td>P5 C5</td></tr><tr><td>Dredging and dredge material disposal</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic	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									(2) Technical corrections (3) Updates term "woody debris" to "large wood."	formatting, and errors. (3) Changes are proposed throughout the code to change term or reference to "woody debris" to "large wood", where appropriate, consistent with current terminology.	environmental designation in the shoreline jurisdiction. <i>Policy Analysis:</i> - Condition 7 could be reorganized for clarity. Under the critical area alteration table (page 18) in K.C.C. 21A.24.045.D.49., “habitat restoration and enhancement projects” are subject to certain standards that differ from these standards. Because there is overlap between critical areas and the shoreline jurisdiction, Council may wish to make these standards consistent where applicable. - The proposed code does not include what components should be included in a restoration and enhancement plan. Council may wish to clarify these requirements.
	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic																																																																																																						
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																																																																																																														

Code										Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
	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			
C. Development conditions. 1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170; 2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan, and the Integrated ((~~Stream~~)) <u>Streambank</u> Protection Guidelines (Washington state ((~~4~~)) Departments of Fish and Wildlife, Ecology, and Transportation, 2003). New structural flood hazard protection measures are 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~~)) <u>natural shoreline</u> environment are allowed, subject to the requirements of the King ((~~e~~)) <u>County Flood ((~~Hazard~~))</u> 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)) <u>fill</u> shall not be placed in critical saltwater <u>or critical freshwater</u> habitats except when all ((~~e~~)) the following conditions are met: (1) the public's need for the proposal is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020; (2) avoidance of impacts to critical saltwater <u>or critical freshwater</u> habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose; (3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater <u>or critical freshwater</u> habitats; and (4) the project is consistent with the state's interest in resource protection and species recovery; and d. In a channel migration zone, any filling shall protect shoreline ecological functions, including channel migration. 5.a. Breakwaters, jetties, groins, and weirs:												

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
(1) are only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director; (2) are not allowed in the Maury Island Aquatic Reserve except as part of a habitat restoration project or as an alternative to construction of a shoreline stabilization structure; (3) shall not intrude into or over critical saltwater <u>or critical freshwater</u> 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 RCW 90.58.020; (b) avoidance of impacts to critical saltwater <u>or critical freshwater</u> 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 <u>or critical freshwater</u> 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 the primary purpose is restoration of the natural character and ecological functions of the shoreline, a shoreline habitat, and natural systems enhancement project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) <u>wood</u>, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) <u>wood</u>, dredging, and filling. b. Within the urban growth area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215. c. <u>A restoration and enhancement plan shall be prepared by an ecological professional. The plan shall include a critical functional analysis that evaluates the existing conditions and the post-project ecological and increase in functions to be achieved by the project.</u> d. <u>An applicant for a shoreline habitat and natural systems enhancement project shall demonstrate that the proposed project will provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area. If this requirement is satisfied, additional mitigation or restoration beyond the proposed habitat enhancement project itself may not be required. The applicant may be required to comply with the post-project monitoring and reporting conditions in K.C.C. 21A.24.130.</u> 8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24. 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.			
K.C.C. 21A.25.210 - Regulations for expansion of dwelling units or residential accessory structure within the shoreline jurisdiction. <u>SECTION 82.</u> Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows: The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ((is subject to the following: A.)) <u>shall require a shoreline variance</u> ((~~if~~))if the proposed expansion will result in a total cumulative expansion of the dwelling unit and accessory structures of more than one thousand square feet((~~, a shoreline variance is required; and~~ B. ~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~)).	(1) Technical corrections. (2) Removes reference to the rural stewardship plan.	(1) Updated wording to clarify existing intent. (2) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is	<i>Section Notes:</i> • The existing code requires a shoreline variance for expansions exceeding 1,000 sf for dwelling units and residential structures, which include upper story additions that do not increase the building footprint. <i>Policy Analysis:</i> • Maintaining the restrictions for the expansion of dwelling units or residential

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
		proposed to be repealed in this ordinance.	accessory structures in the shoreline jurisdiction is a policy choice. • The proposed ordinance would remove the reference to rural stewardship plans, as the program is proposed for repeal. This is a policy choice.
STATE ENVIRONMENTAL POLICY ACT (SEPA) EXEMPTIONS			
<p>K.C.C. 20.44.040 - Lists categorical exemptions to SEPA review.</p> <p><u>SECTION 5.</u> Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:</p> <p>A. 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:</p> <p>1. 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):</p> <p class="margin-left: 20px;">a. The construction or location of any residential structures of twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;</p> <p class="margin-left: 20px;">b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots;</p> <p class="margin-left: 20px;">c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles;</p> <p class="margin-left: 20px;">d. The construction of a parking lot designed for forty automobiles;</p> <p class="margin-left: 20px;">e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and 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 one hundred cubic yards for any fill or excavation that is in ((an aquatic area, wetland,)) a steep slope, ((or)) landslide ((hazard area)), or alluvial fan hazard area. If the proposed action is to remove from or replace fill in ((an aquatic area, wetland,)) a steep slope, ((or)) landslide ((hazard area)), or alluvial fan hazard area to correct a violation, the threshold shall be five hundred cubic yards.</p> <p>2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.</p> <p>B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:</p> <p>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.</p> <p>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.</p>	(1) Adds alluvial fan hazard areas to the list of areas in which limited fill and excavation is exempt. (2) Removes aquatic areas and wetlands to the list of areas in which limited fill and excavation is exempt.	(1) Alluvial fan hazard areas are a type of landslide hazard area according to WAC 365-190-120, but they are regulated as a separate type of geologically hazardous area in the K.C.C. By naming them in this section, the proposed code keeps the same intent and standards as existing code. (2) Aquatic areas and wetlands are proposed for removal to maintain alignment with WAC 197-11-800, the state code that describes what local governments must regulate.	<i>Section Notes:</i> • WAC 197-11-800 lists the types of projects, based on different thresholds, that are exempt from SEPA review. • Under state law, the County may raise some of the thresholds for certain types of construction or alterations. <i>Policy Analysis:</i> • Under state law, the grading necessary for the activities in A.1.a. through d. are exempt. The Council may wish to add language to clarify that grading for these activities to be consistent with state law. • Exempting fill or excavation of up to 100 cubic yards in a steep slope, landslide, or alluvial fan hazard area is a policy choice. • The existing code provides a larger exemption for code violations than for permitted projects in landslide, steep slope, and alluvial fan hazard areas. Providing a greater exemption for code violations is a policy choice. • The existing code doesn’t explicitly recognize the limitations on these exemptions (such as for lands covered by water). The reference to the WAC does cover this, but the Code could be more explicit.
VIOLATIONS			
K.C.C. 21A.50.035 - Violations defined. <u>SECTION 85.</u> Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:	(1) Updates code cross-reference.	(1) Technical change. (2) Changes are proposed	<i>Policy Analysis:</i> • No issues identified.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ((chapter 23.08)) <u>Title 23</u>. When feasible, corrective work shall include restoration of the critical area and buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work. B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340. C. When an aquatic area or ((buffer)) <u>riparian area</u> is altered in violation of this title, restoration of the ((stream and buffer)) <u>aquatic area or riparian area</u> shall comply with the restoration standards in K.C.C. 21A.24.380. D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced. E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law. F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.	(2) Changes references of "aquatic area buffers" to "riparian areas."	throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	
CONSOLIDATED REVIEW			
21A.24.550 - Consolidated site review for single-family residential development. A. A development proposal shall be deemed to comply with this chapter and the department shall not require additional critical areas, fire or drainage review of a development proposal for a single-family residential development that is consistent with the conditions established by the department in its review of the development proposal if the applicant meets all of the following requirements: 1. The applicant provides to the department a critical areas report prepared by a preferred consultant, as provided in K.C.C. Title 27, for the critical areas on the development proposal site; 2. The department has issued a critical areas designation under K.C.C. 21A.24.500. If applicable, the designation shall be issued before septic system design, application and approval; 3. The development proposal qualifies for simplified drainage review and does not require targeted drainage review under K.C.C. chapter 9.04; 4. The development proposal does not require an alteration exception or reasonable use exception under this chapter, a variance from road standards under K.C.C. Title 14 or a drainage adjustment under K.C.C. chapter 9.04; and 5. The development proposal locates structures, on-site septic drainfield areas, the well location, and other impervious surfaces, including but not limited to driveways, within the areas identified by the department. B. If an applicant indicates on a form approved by the department that a development proposal for a single family residence will be proposed for review under this section, the department shall consolidate critical areas, drainage, road standards, and fire review. Based on the information provided by the applicant under this section, the department shall identify a development footprint on the property where the applicant may clear and place structures and other impervious surfaces in order to meet the requirements of this chapter and K.C.C. chapters 9.04 and 16.82. At the time of development permit application, the department shall screen the proposal for compliance with the conditions established by the department under this section, set the conditions of permit approval and, if required, establish the mitigation financial guarantee. (Ord. 18257 § 23, 2016: Ord. 15051 § 234, 2004).	Repealed.	This section is rarely, if ever used, and there are no resources to implement it. There is a risk that administration of these procedures could cause a lack of clarity regarding vesting.	<i>Section Notes:</i> • This section allows for the consolidation of reviews for site-related elements, which would include critical areas, fire, and/or drainage review. As written, it would not include other elements such as grading or clearing, zoning, or building review, which are also critical portions of the review process. <i>Policy Analysis:</i> • It is unclear how effective this section would be in permitting review if it had been implemented. Executive staff indicate that this section is infrequently used. • Maintaining this code section may affect application vesting, which is a constantly evolving legal landscape. • Repealing this section is a policy choice.
PLAN UPDATE, CODIFICATION, ECOLOGY APPROVAL, SEVERABILITY			
<u>SECTION 87.</u> A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2024-0440). 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.	Adopts portions of the ordinance and its attachments as amendments to the Comprehensive Plan and Shoreline Master Program (SMP).	Establishes the various elements of amendments to the proposed 2024 update to the Comprehensive Plan as proposed in this ordinance.	<i>Policy Analysis:</i> • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
C. The elements of the King County Shoreline Master Program in sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.			
K.C.C. 20.12.010 - Codifies adoption of the 2024 Comprehensive Plan. <u>SECTION 88.</u> Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows: Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in <u>Ordinance XXXXX (Proposed Ordinance 2023-0440)</u> , and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.	Reflects amendments to the 2024 Comprehensive Plan.		<i>Policy Analysis:</i> • No issues identified.
<u>SECTION 89.</u> The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.	Directs the Executive to submit ordinance sections that are part of the SMP to the Department of Ecology.	These elements of this proposed ordinance amend elements of the SMP as adopted in K.C.C. 20.12.200. As such, these changes are required to be reviewed and approved by the Department of Ecology.	<i>Section Notes:</i> • Code sections that are part of the SMP (see K.C.C. 20.12.200 for the list of sections) must be approved by Ecology. <i>Policy Analysis:</i> • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.
<u>SECTION 90.</u> Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.	Notes that ordinance sections that are part of the King County shoreline master program take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved.	These elements of this proposed ordinance amend elements of the SMP as adopted in K.C.C. 20.12.200. As such, these changes are required to be reviewed and approved by the Department of Ecology.	<i>Section Notes:</i> • Code sections that are part of the SMP (see K.C.C. 20.12.200 for the list of sections) are not effective until 14 days after Ecology action. <i>Policy Analysis:</i> • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.
<u>SECTION 91. Severability.</u> If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.	Standard King County severability language.	Added to clarify that if part of the ordinance were found to be invalid, there remaining portion of the ordinance would not be affected.	<i>Policy Analysis:</i> • No issues identified.
In Chapter 5 Environment, on page 5-51, amend as follows:	Substantive change. Deletion of policy.	BAS is clear that small wetlands especially in urban areas are	• This proposed change would remove an allowance to alter Category IV wetlands less than 2,500 sf in size. BAS and Ecology

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
~~((E-412 — A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.))~~		important. The research indicates that a broader approach to protecting wildlife such as mammals, birds, and amphibians is needed, as buffers alone may not prevent the populations of many species from declining. Wetlands located in urban areas are generally less common and are more impacted by adjacent light and noise pollution, often contain non-native and invasive plant species, and lack intact vegetated corridors or habitat patches connecting adjacent habitat. Conserving wetland habitats, habitat patches, and vegetated corridors networks in urban areas and throughout the watershed is critical for certain species and provides refuge from drought and increasing temperatures due to climate change.	guidance does not support blanket allowances for alterations of wetlands, regardless of size and rating. Executive staff estimate that a very small proportion (1%) of wetlands currently fall under this provision. Affected properties may be able to pursue a reasonable use exception or critical area alteration exception if the property is unbuildable. This is a policy choice.

PROGRAMMATIC ACTIONS TO COMPLY WITH NO NET LOSS AND BEST AVAILABLE SCIENCE

In addition to the regulatory updates in the Proposed Ordinance, the BAS Report identifies multiple nonregulatory activities that the County undertakes that help to meet the no net loss requirements of the GMA.

This includes the following activities, some of which are funded through multiple sources of revenue:

- Property acquisition (fee title, easement, or other interest) and property donations for conservation purposes. This includes conservation future tax (CFT) acquisitions, transfer of development right (TDR) program, public benefit ratings system (PBRS) program, and home buyouts in frequently flooded areas.
- Salmon recovery efforts, including salmon recovery efforts through the Water Resource Inventory Area (WRIA) forums; the Snoqualmie Valley Fish, Farm Flood work; County salmon habitat restoration projects (which includes habitat project effectiveness monitoring for select projects); and King County’s Fish Passage Restoration Program.
- Habitat restoration. This includes the “3 million trees” initiative, Parks Levy funding for riparian habitat (in the Executive’s transmitted 2026-2031Parks Levy Proposed Ordinance it falls under “multi-benefit river corridor projects”), and King County’s Small Habitat Restoration Program.

- Operational Guidance for Farms and Foresters. This includes Farm Management Plans, Fencing and Livestock Best Management Practices cost-sharing, Forest Stewardship Plans
- Coordination with other agencies, such as King Conservation District.
- Monitoring and Adaptive Management. Monitoring and adaptive management is the subject of a proviso on the 2025 Annual Budget that is expected to be transmitted to the Council in June 2025.
- Updated information, such as the 2024 update to stream and wetland mapping and future classification, permitting division bulletins that describe critical area requirements, ongoing channel migration zone delineation and mapping, an upcoming Wildlife Habitat Climate Gradient Analysis, ongoing flood mapping, and upcoming alluvial fan mapping.

There are also several planning level activities described in the BAS Report that are also stated to contribute to no net loss. This includes strategies and policies within the Clean Water Healthy Habitat Strategic Plan, 30-Year Forest Plan, Strategic Climate Action Plan, and Flood Management Plan.

Finally, several County agencies are dedicated to conservation and restoration activities that are stated to contribute to no net loss. Agencies identified in the BAS Report include the urban forestry program, code enforcement, the groundwater monitoring program, and basin stewards.

2024 KING COUNTY COMPREHENSIVE PLAN UPDATE CRITICAL AREA POLICIES Text from the adopted 2024 KCCP update (Ordinance 19881)		This table is shown in legislative mark-up for reference, to compare the 2016 KCCP (as amended) with the 2024 KCCP update. These changes have already been adopted under Ordinance 19881.	
CHAPTER 3 - RURAL AREA & NATURAL RESOURCE LANDS			
R- ~~((306))~~ 307	A residential density of one home per 10 acres shall be applied in the Rural Area where: a. The lands are adjacent to or within one-quarter mile of ~~((designated Agricultural Production Districts, the Forest Production District or legally approved long-term mineral resource extraction sites))~~ <u>Natural Resource Lands;</u> ~~((or))~~ b. The lands contain <u>moderate or</u> significant ~~((environmentally constrained))~~ <u>critical</u> areas; ~~((as defined by county ordinance, policy or federal or state law, or regionally significant resource areas or substantial critical habitat as determined by legislatively approved basin plans or Watershed Resource Inventory Area Plans; and))~~ <u>or</u> c. ~~((The predominant lot size is greater than or equal to 10 acres in size))~~ <u>A residential density of one home per five acres would harm or diminish the surrounding area, burden infrastructure, increase development pressure, or be inconsistent with the development patterns promoted by the Comprehensive Plan.</u>	~~((R-308))~~ <u>R-308</u>	A residential density of one home per five acres shall be applied in the Rural Area where: a. <u>The lands are more than one-quarter mile away from Natural Resource Lands;</u> b. <u>The lands ((is)) are physically suitable for development with minimal ((environmentally sensitive features)) critical areas</u> ~~((or critical habitat as determined by legislatively adopted watershed-based plans)); and~~ ~~((b. Development can be supported by rural services;~~ c. ~~The land does not meet the criteria in this plan for lower density designations; and~~ d. ~~The predominant lot size is less than 10 acres;))~~ c. <u>This residential density would not harm or diminish the surrounding area, burden infrastructure, increase development pressure, or be inconsistent with the development patterns promoted by the Comprehensive Plan.</u>
R-325	Golf facilities ~~((shall be permitted))~~ <u>may be allowed as a conditional use in the RA-2.5 and RA-5 zones and when located outside of Rural Forest Focus Areas((, Regionally Significant Resource Areas and Locally Significant Resource Areas, as a conditional use, in the RA-2.5 and RA-5 zones)).</u>	<u>R-740</u>	<u>King County should adopt regulations that do not require permits for vegetation management in areas outside of critical areas and their buffers if implementing approved best management practices for wildfire risk reduction or as included within an approved forest stewardship plan that includes wildfire best management practices.</u>
CHAPTER 5 - ENVIRONMENT			
~~((E-112a))~~ <u>E-105</u>	The protection of lands where development would pose hazards to health <u>and safety</u> , property, important ecological functions, or environmental quality shall be achieved through acquisition, enhancement, incentive programs, and appropriate regulations. The following critical areas <u>and their buffers</u> are particularly susceptible and shall be protected in King County: a. ~~((Floodways of 100-year floodplains;~~ b. ~~Slopes with a grade of 40% or more or landslide hazards that cannot be mitigated;~~ c. ~~Wetlands and their protective buffers;~~ d. ~~Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;~~ e. ~~Channel migration hazard areas;~~ f. ~~Critical Aquifer Recharge Areas;~~ g. ~~Fish and Wildlife Habitat Conservation Areas; and~~ h. ~~Volcanic hazard areas))~~ <u>Critical aquifer recharge areas;</u> b. <u>Fish and wildlife habitat conservation areas;</u> c. <u>Frequently flooded areas, regulated as flood hazard areas;</u> d. <u>Geologically hazardous areas; and</u> e. <u>Wetlands.</u>	~~((E-417))~~ <u>E-106</u>	King County should take precautionary action informed by best available science where there is ~~((a significant))~~ risk of damage to the environment. Precautionary action should be coupled with monitoring and adaptive management.
E-109	King County should promote <u>the</u> efficient provision of utilities and public services by exempting minor activities from ~~((its))~~ critical areas regulations ~~((;))~~ if the agency ~~((has an approved))~~ <u>develops a</u> best management practices plan ~~((approved by King County, and the plan ensures that proposed projects that may affect habitat of listed species be carried out in a manner that protects the resource or mitigates adverse impacts))~~ <u>that:</u> a. <u>Is based on best available science;</u> b. <u>Accounts for no net loss of ecological functions; and</u> c. <u>Ensures projects that may affect habitats of endangered, threatened, sensitive, or candidate species, or species of local importance, are carried out in a manner that protects the resource and mitigates adverse impacts.</u>	~~((E-104))~~ <u>E-107</u>	Development of environmental regulations, restoration and mitigation projects, and incentive and stewardship programs should be coordinated with <u>Indian tribes</u> , local jurisdictions, federal and state agencies, ~~((tribes;))~~ special interest groups, and residents when conserving and restoring the natural environment consistent with Urban Growth Area, Rural Area, and ~~((designated))~~ Natural Resource Lands goals.
		~~((E-422))~~ <u>E-108</u>	King County's land use and park planning ~~((;))~~ <u>and</u> regulatory ~~((;))~~ and operational functions related to environmental protection, public safety, and equity should be closely coordinated across departments and with other applicable agencies and organizations to achieve an ecosystem-based approach.
		~~((E-107))~~ <u>E-110</u>	King County may exercise its substantive authority under the State Environmental Policy Act to condition or deny proposed actions ~~((in order))~~ to mitigate associated individual or cumulative impacts such as significant habitat modification or degradation that ~~((may actually kill, injure or harm listed threatened or endangered species by significantly impairing essential behavioral patterns, including))~~ <u>impairs</u> breeding, feeding, spawning, rearing, migrating, ~~((or))~~ sheltering, <u>or other essential behavior patterns for endangered, threatened, sensitive, or candidate species, or species and habitats of local importance.</u>
~~((E-215c))~~	King County should collaborate with the scientific community, state and federal agencies, and other jurisdictions to develop detailed, science-based estimates of the magnitude and timing of climate change impacts on air temperatures and heat waves, rainfall patterns and severe weather, river flooding, sea level rise, fish and wildlife, and ocean acidification in King County.	~~((E223))~~	<u>E-226</u> King County shall consider projected impacts of climate change on habitat for salmon and other wildlife when developing long-range conservation plans and prioritizing habitat protection and restoration actions.

E-215bbb)) <u>E-229</u>	King County shall assess the best available sea level rise projections ((two years)) prior to each ((eight)) 10-year update(;) and shall ((incorporate the projections into)) <u>update relevant risk assessments and policies in the Comprehensive Plan,</u> where appropriate.	((E-402)) <u>E-302</u>	In the Urban Growth Area, King County shall strive to maintain a quality environment that includes fish and wildlife habitats that support the greatest diversity of native species consistent with Growth Management Act-mandated population density objectives.
		<u>E-303</u>	((in areas o)) <u>Outside the Urban Growth Area, the ((c))County should strive to maintain, protect, and recover ecological processes, native landscapes, ecosystems, and habitats that can support viable populations of native species. This should be accomplished through coordinated conservation planning and collaborative implementation.</u>
((E-403)) <u>E-304</u>	King County should develop a biodiversity conservation framework and conservation strategy to achieve the goals of maintaining and recovering native biodiversity. ((This framework should be coordinated with the Washington Biodiversity Conservation Strategy where applicable.)) <u>King County should collaborate with other governments and private and nonprofit organizations on the creation and implementation of this strategy.</u>	((E-404	~~King County should collaborate with other governments and private and non-profit organizations to establish a bioinventory, an assessment and monitoring program, and a database of species currently using King County to provide baseline and continuing information on wildlife population trends in the county.~~
((E-405)) <u>E-305</u>	King County should evaluate a range of projected future climate scenarios based on best available science to help ensure that <u>biodiversity</u> conservation efforts are able to meet their objectives in a changing climate.	E-413)) <u>E-306</u>	King County's efforts to restore and maintain biodiversity should place priority on protecting and restoring ecological processes that create and sustain habitats and species diversity <u>and support climate change resilience.</u>
E-411)) <u>E-307</u>	King County should ((conduct an analysis to identify areas critical for functional habitat connectivity. This assessment should be coordinated with state and federal mapping efforts as appropriate)) <u>map habitat connectivity corridors and biodiversity areas to protect fish and wildlife populations in a changing climate.</u> Areas identified by this analysis ((as being critical for functional habitat connectivity)) should be prioritized by King County, <u>and in collaboration with Indian tribes, the state, cities, and other landowners,</u> for land conservation <u>and restoration</u> actions and programs.	((E-418)) <u>E-312</u>	King County should assess <u>different land types, habitats, and resources for:</u> a. ((the)) <u>Their</u> relative scarcity and sensitivity; b. ((of different land types, habitats and resources, the)) <u>their</u> role ((of these land types, habitats and resources)) in supporting <u>endangered, threatened, sensitive, or candidate</u> species, <u>or species of local importance;</u> and c. ((and the level of threat to these land types, habitats, and resources in terms of habitat modifications that would likely)) <u>the degree to which habitat alterations would</u> reduce <u>these</u> populations ((of sensitive species)).
((E-419)) <u>E-313</u>	King County should give special consideration to protection of rare, endemic, and keystone species when identifying and prioritizing land areas for protection through acquisition, conservation easements, and incentive programs.	((E-420))	<u>E-314</u> King County should incorporate climate change projections into new species protection plans and shall revise older species protection plans when feasible or when conducting ((eight)) 10-year updates to incorporate projected impacts from climate change.
((E-432)) <u>E-316</u>	King County shall designate <u>and protect</u> the following areas as Fish and Wildlife Habitat Conservation Areas: a. Areas with which federal_ or state_listed endangered, threatened, <u>candidate,</u> or sensitive species have a primary association; b. Habitats of Local Importance and ((H)) <u>habitats for Species of Local Importance, including Wildlife Habitat Conservation Areas;</u> c. Wildlife habitat networks designated by the ((c))County; d. <u>Aquatic Areas</u> e. Commercial and recreational shellfish areas; ((e))f. Kelp and eelgrass beds; ((f))g. Herring, smelt, and sand lance spawning areas; ((g))h. Riparian ((corridors)) <u>areas;</u> and ((h))i. State aquatic reserves.	((E-433	~~King County should map Fish and Wildlife Habitat Conservation Areas. King County shall protect Fish and Wildlife Habitat Conservation Areas through measures such as regulations, incentives, capital projects or purchase, as appropriate:~~
		E-425)) <u>E-317</u>	King County may increase the size of riparian areas, buffers, and critical area setbacks ((F))to protect ((or improve)) adjacent wetland((s)), ((and)) aquatic <u>area, and riparian</u> habitat((s)), <u>native vegetated areas that connect wetlands complexes, and species of local importance and their habitats.</u> ((stream and wetland buffer requirements may be increased to protect King County species of Local Importance and their habitats, as appropriate:)) Whenever possible, density transfers, clustering, ((and)) buffer averaging, <u>and other mechanisms</u> should be ((allowed)) <u>utilized in order to protect and/or enhance ecological functions.</u>
		((E-475	~~To improve adjacent wetlands and aquatic habitat, areas of native vegetation that connect wetland complexes should be protected. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms shall be used for this purpose:~~
((E-416)) <u>E-318</u>	King County should use a mixture of information on historical, current, and projected future conditions to provide context for managing public hazards and protecting and restoring habitat.	((E-423))	<u>E-319 ((New d))Development, erosion control projects, and critical area mitigation and restoration</u> should(, ~~where possible;~~) incorporate native plant communities ((into the site plan)), both through <u>the</u> preservation of existing ((native)) plants and addition of new native plants. <u>The introduction of nonnative and invasive species should be avoided.</u>
((E-424)) <u>E-320</u>	King County shall steward public lands well and shall integrate fish and wildlife habitat considerations into capital improvement projects whenever feasible. Fish and Wildlife Habitat Conservation Areas should be protected and, where possible, enhanced as part of capital improvement projects.	((E-410)) <u>E-321</u>	Habitat networks for threatened, endangered and Species of Local Importance(, ~~as listed in this chapter;~~) shall be designated and mapped. <u>Fish and wildlife habitat areas and ((H))habitat networks</u> for other priority species ((in the Rural Area and Natural Resource Lands)) should be identified, designated, and mapped using ecoregion ((information about the county and its)) <u>and</u> resource((s and)) <u>data. Mapping</u> should be coordinated with state and federal ecosystem mapping efforts as appropriate.

~~(E-412))~~ <u>E-322</u>	King County should work with <u>Indian tribes</u> , adjacent jurisdictions, state and federal governments, ~~((tribes;))~~ and landowners <u>to identify and protect habitat networks at jurisdictional and property boundaries</u> during development of land use ~~and environmental plans((-Water Resource Inventory Area salmon recovery plans, and site development reviews to identify and protect habitat networks at jurisdictional and property boundaries))~~ .	~~((E-499m))~~ <u>E-326</u>	King County ~~((will))~~ <u>shall</u> monitor and evaluate programs and regulations to determine their effectiveness in contributing to Endangered Species Act listed species conservation and recovery, and ~~((will))~~ <u>shall</u> update and enhance programs and plans as necessary. King County should amend regulations, plans, and best management practices to enhance their effectiveness in protecting and restoring ~~((salmonid))~~ habitat, using a variety of resources, including best available science as defined in <u>Chapter 365-195</u> Washington Administrative Code ~~((365-195-905 through 365-195-925))~~ .
~~((E-434))~~ <u>E-327</u>	Habitats for species that have been identified as endangered, threatened, or sensitive by the state or federal government shall not be <u>degraded or</u> reduced <u>in size</u> and ~~((should))~~ <u>shall</u> be ~~((conserved))~~ <u>preserved and protected</u> .	~~((E-499p~~	~~King County shall, in cooperation with the cities, ensure a no net loss of housing capacity that preserves the ability to accommodate adopted growth targets, while pursuing compliance with Endangered Species Act requirements. To achieve this goal, densities shall be increased on buildable lands, consistent with H-110.~~
~~((E-435))~~ <u>E-328</u>	King County designates the following to be Species of Local Importance:	~~((E-436))~~	<u>E-329</u> King County shall protect Species of Local Importance through measures such as regulations, incentives, capital projects, or purchase, as appropriate.
	a. Salmonids and other anadromous <u>or freshwater</u> fish - Kokanee salmon, Sockeye/red salmon, Chum salmon, Coho/silver salmon, Pink salmon, <u>Chinook salmon</u> , Coastal resident/searun cutthroat trout, Rainbow trout, <u>steelhead trout</u> , <u>bull trout</u> , <u>Pygmy whitefish</u> , Dolly Varden, <u>Western river lamprey</u> , ~~((and))~~ <u>Pacific lamprey, and Olympic mudminnow</u> ;	~~((E-437))~~ <u>E-330</u>	King County shall designate the following to be Habitats of Local Importance:
	b. Native Freshwater Mussels - Western pearlshell mussel, Oregon ~~((and western))~~ floater, and western ridge mussel;	a. Caves;	b. Cliffs;
	c. Shellfish - Dungeness crab, Pandalid shrimp, ~~((Geoduck))~~ <u>Butter clam</u> , <u>Littleneck clam</u> , and ~~((Pacific))~~ <u>Olympia oyster</u> ;	c. ~~((Talus))~~ <u>Herbaceous balds</u> ;	d. Old ~~((=))~~ growth forest;
	d. Marine Fish - White sturgeon ~~((;))~~ ; Pacific herring ~~((;))~~ ; Longfin smelt ~~((;))~~ ; Surfsmelt ~~((;))~~ ; Lingcod, <u>Pacific cod</u> ; Pacific sand lance ~~((;))~~ ; <u>Yelloweye</u> , <u>Brown</u> , <u>Copper</u> , <u>Bocaccio</u> , <u>Canary</u> , and <u>Quillback Rockfish</u> ; English sole ~~((;))~~ ; and <u>Southern</u> ~~((R))~~ rock sole;	e. ~~((Sphagnum-dominated peat bogs; and))~~ <u>Oregon white oak woodlands</u> ;	f. Snag-rich areas;
e. Birds - <u>Marbled Murrelet</u> ; Western grebe, <u>Caspian Tern</u> , Pigeon Guillemot, Pelagic Cormorant, American bittern, Great blue heron, <u>Common Loon</u> , <u>Western High Arctic Brant</u> , Harlequin duck, <u>Bufflehead</u> , Wood duck, Hooded merganser, Barrow's goldeneye, Common goldeneye, Cinnamon teal, Tundra swan, Trumpeter swan, Surf scoter, White-winged scoter, Black scoter, <u>Bald Eagle</u> , <u>Golden Eagle</u> , <u>Peregrine Falcon</u> , <u>Northern Goshawk</u> , Osprey, <u>Spotted owl</u> , Western screech-owl, Sooty grouse, <u>Pacific coast</u> ~~((B))~~ band-tailed pigeon, Belted kingfisher, ~~((Hairy woodpecker;))~~ Olive-sided flycatcher, Western meadowlark, Cassin's finch, <u>Oregon Vesper Sparrow</u> , <u>Red-eyed Vireo</u> , <u>Purple Martin</u> , <u>Vaux's Swift</u> , ~~((and))~~ <u>Purple finch</u> , <u>Yellow-billed Cuckoo</u> , <u>Black-backed Woodpecker</u> , <u>American three-toed woodpecker</u> , <u>Hairy woodpecker</u> , <u>Pileated woodpecker</u> , and the following bird concentrations:	g. <u>Sphagnum-dominated peat bogs</u> ;	h. <u>Talus</u> ; and	
i. <u>Waterfowl Concentrations (Anatidae excluding Canada Geese in urban areas)</u> ; and		i. <u>Westside prairie</u> .	
ii. <u>Western Washington nonbreeding concentrations of plovers (Charadriidae), sandpipers</u> ;			
f. Mammals - American marten, ~~((mink, Columbian black-tailed deer;))~~ <u>Wolverine</u> , Fisher, <u>Gray wolf</u> , <u>Cascade red fox</u> , <u>Douglas squirrel</u> , <u>Northern flying squirrel</u> , <u>Townsend's chipmunk</u> , Hoary marmot, Roosevelt ~~((E))~~ elk ~~((in their historic range))~~ , mountain goat, Pika, <u>Townsend's big-eared bat</u> , roosting concentrations of Big-brown bat, <u>Pallid bats</u> , and Myotis bats, <u>Killer whale (Orca)</u> , <u>Gray whale</u> , <u>Dall's and Harbor porpoise</u> , Harbor seal, Stellar sea lions, and concentrations of California sea lions;	~~((E-438))~~	<u>E-331</u> King County should review federal and state candidate listings for information about candidate species that are under consideration for listing as an endangered or threatened species and found in King County. King County shall protect habitat for candidate species, as listed by the Washington Department of Fish and Wildlife or a federal agency. Information regarding candidate species should be used to inform King County's long-term wildlife conservation and planning efforts.	
g. Amphibians - Red-legged frog, <u>Larch Mountain salamander</u> , <u>Oregon spotted frog</u> , and <u>Western toad</u> ;	~~((E-439))~~ <u>E-332</u>	King County shall review fish and wildlife surveys and assessments with local application to King County and consider additional habitat protections where warranted. Habitat protection should be accomplished through incentives, cooperative planning, education, habitat acquisition, habitat restoration, or other appropriate actions based on best available science.	
h. Reptiles - Western fence lizard and <u>Northwestern pond turtle</u> ;	~~((E-440))~~ <u>E-333</u>	King County should regularly review the Washington Department of Fish and Wildlife's list of Priority Species and other scientific information on species of local importance, and evaluate whether any species should be added to or deleted from the lists in ~~((p))~~ Policies E- ~~((435))~~ <u>328</u> and E- ~~((437))~~ <u>330</u> . Any additions or deletions ~~((should))~~ <u>may</u> be made through the annual update.	
i. Rare Plants - ~~((bristly sedge; Canadian St. John's-wort; clubmoss cassiope; Oregon goldenaster; toothed wood fern; Vancouver ground-cone; and white-top aster))~~ <u>Tall bugbane</u> , <u>Triangular-lobed moonwort</u> , <u>Western moonwort</u> , <u>Stalked moonwort</u> , <u>Harvest brodiaea</u> <u>Alaska harebell</u> , <u>Few-flowered sedge</u> , <u>Long-styled sedge</u> , <u>Clubmoss mountain-heather</u> , <u>Golden paintbrush</u> , <u>Weak thistle</u> , <u>Spleenwort-leaved goldthread</u> , <u>Tree clubmoss</u> , <u>Spotted Joe-pye weed</u> , <u>Kamchatka fritillary</u> , <u>Swamp gentian</u> , <u>Oregon goldenweed</u> , <u>Large St. Johns'-wort</u> , <u>Pacific peavine</u> , <u>Water lobelia</u> , <u>Northern bog clubmoss</u> , <u>One-cone clubmoss</u> , <u>White meconella</u> , <u>Branched montia</u> , <u>Old field blue toadflax</u> , <u>Brewer's cliffbrake</u> , <u>Whitebark pine</u> , <u>Choriso's bog-orchid</u> , <u>Columbia white-topped aster</u> , and <u>Flat-leaved bladderwort</u> ; and	~~((E-441))~~ <u>E-334</u>	Development proposals shall be assessed for the presence of King County Species of Local Importance. A comprehensive assessment should follow a standard procedure or guidelines and shall occur one time during the development review process.	
j. ~~((High-quality ecological communities - Douglas-fir - Pacific Madrone / Salal; Douglas-fir - Western Hemlock / Swordfern; Forested Sphagnum Bog PTN, Low Elevation Freshwater Wetland PTN, North Pacific Herbaceous Bald and Bluff, Red Alder Forest; Western Hemlock - (Western Redcedar) / Bog Labrador-tea / Sphagnum Spp.; Western Hemlock - (Western Redcedar) / Devil's-club / Swordfern; Western Hemlock - (Western Redcedar) / Sphagnum Spp.; Western Hemlock / Swordfern - Foamflower; Western Redcedar- Western Hemlock / Skunkcabbage; and Willow Spp. Shrubland (Provisional);))~~ <u>Other invertebrates - Blue gray taildropper</u> , Hatch's click beetle, Beller's ground beetle, <u>Pacific clubtail</u> , <u>Western bumblebee</u> , <u>Johnson's hairstreak</u> , and <u>Valley silverspot</u> .	~~((E-442))~~ <u>E-335</u>	King County should conserve and restore salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the ~~((c))~~ County, ~~((cities;))~~ Indian tribes, <u>cities</u> , service providers, and state and federal agencies. Project review of development proposals within basins that contain hatcheries and other artificial propagation facilities that are managed to protect the abundance, productivity, genetic diversity, and spatial distribution of native salmon and provide harvest opportunities should consider significant adverse impacts to those facilities.	
	~~((E-499i))~~ <u>E-339</u>	King County should seek to support Water Resource Inventory Area salmon recovery plan goals of maintaining intact natural landscapes through:	
		a. ~~((Retaining low density land use designations such as Agriculture, Forestry and Rural Area designations;~~	
		b-)) Promoting Current Use Taxation and other incentives;	
		~~((c;))~~ <u>b.</u> Promoting stewardship programs including development and implementation of Forest	

		Plans(~~(;)~~) <u>and</u> Farm Plans(~~(, and Rural Stewardship Plans);~~) <u>and</u> ~~((d. Promoting the use of Low Impact Development methods; and e.)) c.~~ Acquiring property or conservation easements in areas of high ecological importance with unique or otherwise significant habitat values.
~~E-429))~~ <u>E-350</u>	King County should provide incentives for ~~((private))~~ landowners who are seeking to remove invasive plants and noxious weeds ~~((and replace them with native plants))~~ , such as providing technical assistance or access to ~~((appropriate))~~ native <u>or climate-smart</u> plants.	~~((E-470)~~ ~~King County shall use current manuals and guidance from state and federal governmental agencies and departments to identify, delineate, and categorize wetlands and to establish mitigation requirements for wetlands.~~
~~E-471~~	~~King County will apply the current scientifically accepted methodology for wetland mitigation based on technical criteria and field indicators. Where appropriate, King County should rely on publications and recommendations from state and federal agencies to ensure King County-approved mitigation will be accepted by state and federal agencies with jurisdiction.~~	~~E-472))~~ <u>E-404</u> King County shall ~~((communicate and coordinate with other jurisdictions and tribes to))~~ <u>encourage the establishment of</u> uniform countywide wetlands policies that provide protection of both regionally and locally highly ~~((=))~~ rated wetlands.
~~((E-473))~~ <u>E-405</u>	King County ~~((’s overall goal for the protection of wetlands is))~~ <u>shall protect wetlands to achieve</u> no net loss of wetland functions and values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs shall be used ~~((independently or in combination with one another))~~ to protect and enhance wetland ~~((s))~~ functions and values. Watershed management plans, including Water Resource Inventory Area plans, should be used to coordinate and inform priorities for acquisition, enhancement, regulations, and incentive programs within unincorporated King County to achieve the goal of no net loss of wetland functions and values within each drainage basin.	~~((E-474)~~ ~~Development adjacent to wetlands shall be sited such that wetland functions and values are protected, an adequate buffer around the wetlands is provided, and significant adverse impacts to wetlands are prevented.))~~
		~~((E-476))~~ <u>E-406</u> King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The ~~((c))~~ County should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.
~~((E-477))~~ <u>E-407</u>	The unique hydrologic cycles, soil and water chemistries, and vegetation communities of bogs and fens shall be protected through the use of incentives, acquisition, best management practices, and implementation of the King County Surface Water Design Manual to control and/or treat stormwater within the wetland watershed.	~~((E-478))~~ <u>E-408</u> Public access to wetlands for <u>traditional cultural</u> , scientific, <u>and</u> recreational ~~((, and traditional cultural use is desirable, providing that))~~ <u>use should be encouraged, if:</u> <u>a.</u> ~~((p))~~ Public access trails are carefully sited ~~((;))~~ ; <u>b.</u> ~~((sensitive habitats and species are protected;))~~ <u>Protection is provided for critical areas;</u> and <u>c.</u> ~~((h))~~ Hydrologic continuity is maintained.
~~((E-479))~~ <u>E-409</u>	Regulatory approaches for protecting wetland functions and values, including the application of wetland buffers and the siting of off-site compensatory mitigation, should consider intensity of surrounding land uses and basin conditions. King County shall continue to review and evaluate wetland research and implement changes in its wetland protection programs based on such information.	~~((E-480))~~ <u>E-410</u> Enhancement or restoration of degraded wetlands may be allowed to ~~((maintain or))~~ improve wetland functions and values, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement, and evaluation is provided and assured by responsible parties. <u>The enhancement or</u> ~~((R))~~ restoration ~~((or enhancement))~~ must result in a net improvement to the functions and values of the wetland system. Within available resources, King County should provide technical assistance to small property owners as an incentive to encourage the <u>enhancement or</u> restoration ~~((or enhancement))~~ of degraded wetlands.
~~((E-481))~~ <u>E-411</u>	Provided all wetland functions are evaluated, impact avoidance and minimization sequencing is followed, affected ~~((significant))~~ functions are appropriately mitigated, and mitigation sites are adequately monitored, alterations to wetlands may be allowed to: a. Accomplish a public agency or utility development; b. Provide necessary crossings for utilities, stormwater tightlines and roads; or c. Allow constitutionally mandated “reasonable use” of the property.	~~((E-482))~~ <u>E-412</u> A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E- ~~((483))~~ <u>413</u> and E- ~~((484))~~ <u>414</u> .
~~((E-483))~~ <u>E-413</u>	Wetland impacts ~~((should))~~ <u>shall</u> be avoided if possible, and minimized in all cases. <u>Applicants shall demonstrate that impacts are unavoidable due to circumstances outside of the applicant’s control, and not for the profit or convenience of development.</u> Where impacts cannot be avoided, they should be mitigated on site if the proposed mitigation is ~~((feasible))~~ <u>practical</u> , ecologically appropriate, and likely to continue providing equivalent or better biological functions in perpetuity. ~~((Where on-site mitigation is not possible or appropriate;))~~ <u>When it is demonstrated that there are not enough opportunities available for on-site mitigation, King County may approve off-site mitigation.</u>	~~((E-484))~~ <u>E-414</u> Mitigation projects should contribute to an existing wetland system or restore an area that was historically a wetland. Mitigation should only create new wetlands after site monitoring indicates that hydrologic conditions exist to support a new wetland. Mitigation sites should be strategically located to reduce habitat fragmentation or to restore and enhance area-specific functions within a watershed.
		~~((E-485))~~ <u>E-415</u> Land used for wetland mitigation should be preserved in perpetuity. Monitoring and maintenance in conformance with King County standards should be provided or paid for by the project proponent until the success of the site is established. Long-term stewardship should occur at mitigation sites to ensure sites continue to provide desired functions and values.
~~((E-486))~~ <u>E-416</u>	King County, in partnership with other governmental entities and interested parties, should encourage the development and use of wetland mitigation banks through which functioning wetlands or aquatic areas are enhanced, restored, or created prior to the impacting of existing wetlands or aquatic areas. ~~((The county shall encourage establishment of such banks by established government entities as well as by private, entrepreneurial enterprises.~~	~~E-487))~~ <u>E-417</u> King County should continue to implement and encourage use of its Mitigation Reserves Program to provide a fee-based option for permit applicants to mitigate for unavoidable impacts of permitted development on wetland and aquatic area functions and values. The fee structure shall be based on the full costs of land acquisition, site selection, design, construction, and long ~~((=))~~ term maintenance and monitoring. Mitigation projects implemented through the Mitigation Reserves Program should occur within a watershed context.

~~((E-488))~~ <u>E-418</u>	King County should be a regional service provider of compensatory mitigation through the Mitigation Reserves Program by working with local cities, other counties, and state agencies to establish partnerships for implementation of inter((?))jurisdictional in-lieu fee mitigation.	~~E-419~~	~~When implementing in-lieu fee mitigation projects, King County should consider the ecological context of the impacted wetland, and the impacted wetland's acreage, functions, and values. In-lieu fee mitigation should result in no net loss, and if possible, in an increase in overall wetland functions and values within the watershed in which the impacted site is located.~~
~~((E-489))~~ <u>E-420</u>	Wetland mitigation projects should avoid impacts to and prevent loss of farmable land within Agricultural Production Districts. Creation of wetland mitigation banks ~~((are))~~ <u>shall not be</u> allowed in the Agricultural Production Districts when the purpose is to compensate for wetland impacts from development outside the Agricultural Production Districts.	~~((E-498a))~~ <u>E-421</u>	The existing flood storage and conveyance functions and ecological values of floodplains, wetlands, and riparian ~~((corridors))~~ <u>areas</u> shall be protected, and should ~~((,-where possible,-))~~ be <u>restored and</u> enhanced ~~((or restored))~~ <u>through integrated actions that provide multiple benefits, such as preservation of open space and adjacent low-density development.</u>
~~((E-499))~~ <u>E-422</u>	~~((Rivers and streams are inherently dangerous.))~~ King County should coordinate across ~~((t))~~ County departments and with other agencies and organizations to promote public awareness of the dynamics and dangers of river and stream systems and the need for personal responsibility when living near or recreating in or on rivers and streams.	~~((E-499a))~~ <u>E-423</u>	When King County places large wood in rivers and streams for habitat restoration or enhancement, it should do so in a manner that minimizes danger to the public.
~~((E-499b))~~	<u>E-424</u> River and stream channels, stream outlets, headwater areas, riparian ~~((corridors))~~ <u>areas</u> , and areas where dynamic ecological processes are present should be preserved, protected, and enhanced for their hydraulic, hydrologic, ecologic, and aesthetic functions, including their functions in providing large wood to salmonid-bearing streams. ~~((Management of))~~ <u>Actions taken along</u> river and stream channels should ~~((consider other beneficial uses of these water bodies, including recreation))~~ <u>provide multiple benefits, including resiliency to climate change. Flood risk reduction actions should benefit all communities, especially frontline communities, consistent with equity and racial and social justice goals and the policies of the King County Flood Management Plan or successor plans.</u>	~~((E-499c))~~ <u>E-425</u>	To protect or improve adjacent wetlands and aquatic habitat, the designation of buffers for aquatic areas, including rivers and streams, should take into account watershed-scale actions to mitigate the impacts of upland development on flooding, erosion, and habitat.
		~~((E-499d))~~ <u>E-426</u>	King County shall continue to monitor and assess river and stream flows, water and sediment quality, physical habitats, and biotic resources in rivers and streams. Assessment shall identify trends and describe impacts on human health and safety, aquatic life, and wildlife habitat.
		~~((E-499e))~~ <u>E-427</u>	To maintain and restore stream health, sources of uncontrolled stormwater flows contributing to peak flows in small streams should be managed using on-site structural or non-structural flow control techniques.
~~E-499f))~~ <u>E-428</u>	King County should improve the management of alluvial fans ~~((by developing and clarifying definitions of alluvial fans,))~~ <u>through</u> mapping the locations of existing alluvial fans <u>and areas at risk of alluvial fan hazards,</u> and <u>through</u> developing appropriate management strategies <u>such as development standards and mitigation requirements.</u> Strategies should: <u>a. Address potential conflicts between adjacent landowners and natural alluvial fan hazards and processes;</u> <u>b. Take climate change into account;</u> <u>c. ((p))Protect intact habitat ((and));</u> <u>d. ((r))Restore degraded habitat((:)); and</u> <u>e. ((r))Reduce threats to public safety((- and accommodate)) for existing land uses.</u> ~~((Findings from Alluvial Fan Management Pilot Projects should inform management strategies for alluvial fans:))~~	~~((R-671))~~ <u>E-429</u>	King County should ~~((use pilot or demonstration projects and multi-agency collaboration to develop a new suite of practices that will))~~ provide <u>regulatory</u> options ~~((for landowners whose existing))~~ <u>to protect existing residences and agricultural operations that are</u> ~~((affected))~~ <u>threatened</u> by alluvial fan ~~((deposits))~~ hazards. These <u>options</u> should provide ~~((timely and cost-effective))~~ <u>emergency</u> relief from debris and ~~((the associated))~~ <u>stream flow</u> changes ~~((to the watercourse along with protection of intact))~~ <u>and consider long-term multi-benefit solutions that protect and restore fish habitat</u> ~~((and restoration of degraded fish habitat within these areas)).~~
		~~((E-499qq))~~ <u>E-430</u>	King County shall implement a comprehensive local floodplain management program that <u>consistent with the King County Flood Management Plan or successor plans:</u> protects lives((:)); minimizes damage and disruption to infrastructure and critical facilities((:)); preserves and restores natural floodplain functions((:)); <u>uses integrated approaches to provide multiple benefits; is resilient to climate change; supports floodplain management actions that benefit frontline communities;</u> and ensures that new development does not put people in harm’s way or cause adverse flooding impacts elsewhere ~~((,-consistent with the King County Flood Hazard Management Plan)).~~
~~((E-499qqq))~~ <u>E-431</u>	King County shall continue to exceed the federal minimum standards stipulated by the National Flood Insurance Program for unincorporated areas to better protect public safety, reduce the risk of flood and channel migration hazards to existing public and private property, <u>and prevent new at-risk development.</u>	~~((E-499r))~~ <u>E-432</u>	King County’s floodplain land use and floodplain management activities shall be carried out in accordance with policies, programs, and projects detailed in the King County Flood ~~((Hazard))~~ Management Plan <u>or successor plans.</u>
~~E-499iii))~~ <u>E-433</u>	King County <u>should</u> support ~~((s))~~ the coexistence of beavers and people in rural King County. ~~((King County should prepare a beaver management strategy to guide a program on issues such as where and how beavers and humans can co-exist with or without engineered solutions and where beavers should be excluded or removed.~~	~~((E-499i))~~ <u>E-444</u>	King County should work with landowners, other jurisdictions, the state Department of Health, sewer districts, and the Puget Sound Partnership to proactively address failing septic systems with a priority in ~~((environmentally sensitive areas, including))~~ <u>areas where on-site septic could pose an increased public health risk, critical areas and their buffers, and</u> constrained shoreline environments.
~~((E-501~~	~~Grading and construction activities shall implement erosion control best management practices and other development controls as necessary to reduce sediment and pollution discharge from construction sites to minimal levels.~~	~~E-502))~~ <u>E-601</u>	Land uses ~~((permitted))~~ <u>allowed</u> in Erosion Hazard Areas shall minimize soil disturbance and should maximize retention and replacement of native vegetative cover.
~~((E-503))~~ <u>E-602</u>	Slopes with a grade of 40 ~~((%)~~) <u>percent</u> or more shall not be developed unless the risks and adverse impacts associated with such development can be reduced to a non-significant level. ~~((No disturbance zones shall be designated where basin plans identify the need to prevent erosion damages in areas that are extremely~~	~~E-504~~	~~King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.~~

	sensitive to erosion impacts. Properly designed stormwater tightlines may be allowed within designated no-disturbance zones.		E-506	The use of native plants should be encouraged in landscaping requirements and erosion control projects, and in the restoration of stream banks, lakes, shorelines, and wetlands.
E-507	In response to watershed-based salmon conservation Water Resource Inventory Area plans and as part of King County's continued basin planning and stewardship programs, King County may adopt vegetation retention goals for specific drainage basins. These goals should be consistent with R-334, as applicable. The county should adopt incentives and regulations to attain these goals, and the county should monitor their effectiveness:))		((E-507a)) E-603	King County should ((work with)) partner <u>with</u> jurisdictions to ((maintain a)) <u>periodically review and update the</u> ((map and)) inventory <u>and map</u> of known and potential landslide hazards <u>((areas in unincorporated King County that is based upon the best available information)) using best available science and current data.</u> ((This information will be used to inform future planning and guide development regulations.
E-507b)) E-604	King County ((should)) <u>shall</u> make landslide hazards information readily available to the public ((in order)) to improve the general understanding of landslides and their associated hazards. This may include making information available on a public website and providing outreach and assistance to current and prospective property owners and developers.		((E-508)) E-605	Landslide hazard areas shall not be developed unless the risks and adverse impacts associated with such development are eliminated or minimized so that they are at a non-significant level. Development proposed in areas affected by landslide hazards shall be adequately reviewed and mitigated as needed to eliminate or minimize risk to the development as well as to ensure the development does not increase landslide or erosion hazards that would adversely impact adjacent properties or natural resources.
((E-508a)) E-606	King County shall consider landslide hazards and related flooding hazards in the context of hazard communication, operational preparedness, and emergency response.		E-509	~~In areas with severe seismic hazards, special building design and construction measures should be used to minimize the risk of structural damage, fire and injury to occupants and to prevent post-seismic collapse.~~
((E-510)) E-607	King County should work with the ((U.S.)) <u>United States</u> Geological Survey to identify lahar hazard areas and shall work with local governments to assess the risk to county residents from lahars and to implement appropriate emergency planning and implement appropriate development standards.		((E-511)) E-608	King County ((with)) <u>shall</u> encourage efforts by public and private property owners and the Office of Surface Mining, Reclamation, and Enforcement to return lands to their highest productive use by safely minimizing or eliminating coal mine hazards.
((E-512)) E-609	King County shall require all development proposals potentially subject to coal mine hazards to assess the mine-related hazards, including risks to structures, improvements, occupants, and public health and safety.		((E-513)) E-610	King County shall allow development within coal mine hazard areas if the proposal includes appropriate mitigation for identified, mine-related hazards using best available engineering practices and if the development is in compliance with all other local, state, and federal requirements.
((E-514	~~King County shall require all landowners proposing new development in coal mine hazard areas to document the potential hazard on the title of the parcel or parcels being developed. This notice may include reference to any available technical studies or detailed hazard delineations:))~~			
CHAPTER 6 - SHORELINES				
S-607	~~King County should provide options for property-specific technical assistance and tailored applications of shoreline management regulations through Rural Stewardship Plans for single family residential uses in the upland areas of the Rural, Conservancy and Natural Shoreline Environments. Rural Stewardship Plans must be consistent with the goals of the Shoreline Management Act and King County Shoreline Protection and Restoration Plan, and ensure no net loss of shoreline ecological processes and functions.~~			
CHAPTER 12 - IMPLEMENTATION				
((I-304)) I-201	King County shall: a. Monitor ((and benchmark)), <u>measure, assess, and report on</u> the progress of the ((Countywide Planning Policies and King County)) Comprehensive Plan toward achieving ((their)) <u>its</u> objectives, inclusive of those relating to <u>growth targets</u> , the environment, development patterns, housing <u>needs</u> , the economy, transportation, ((and)) the provision of public services, <u>and health and social equity outcomes of residents(:)</u> ; b. Use results of such monitoring, <u>measurement, assessment, and reporting</u> to ((encourage)) <u>identify</u> implementation actions and inform policy revisions, as appropriate, to achieve the planning objectives found within the <u>Growth Management Act</u> , Countywide Planning Policies, and ((King County)) Comprehensive Plan(:); and c. <u>Incorporate data on critical areas and other constrained lands into analysis on developable capacity to accommodate growth targets and housing needs.</u>		((E-708)) I-202	King County should implement a <u>monitoring and adaptive management</u> framework ((for)) <u>to:</u> a. <u>Evaluate the</u> effectiveness ((monitoring of critical areas)) <u>of County policies,</u> regulations, and <u>programs in achieving no net loss of critical areas functions and values; and</u> b. ((use monitoring data to i))Inform ((the)) future ((review and updates of its critical areas policies and regulations)) <u>regulatory updates.</u>
((I-505	~~King County shall develop, as a part of the buildable lands analysis, a zoning yield and housing production monitoring program to determine whether housing capacity is being lost in the context of compliance with the Endangered Species Act, and shall propose revisions to the Countywide Planning Policies to implement such a program:))~~			
GLOSSARY				

Adaptive management Adaptive management ((is a systematic approach for continually improving management policies and practices by learning from the outcomes of operational programs)) <u>means modifying management actions based on ongoing monitoring and data analysis.</u>	Buffer A buffer, <u>when referring to critical areas</u>, is a designated area <u>adjacent and</u> contiguous to a ((~~steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards, or a designated area contiguous to and~~)) <u>critical area that is</u> intended to protect ((~~and be an integral part of an aquatic area or wetland~~)) <u>the functions and values of the critical area and reduce impacts from adjacent land uses.</u>
~~((Channel migration hazard area, moderate~~ A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone: ~~Channel migration hazard area, severe~~ A ~~portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate as determined in the technical report is the basis for each Channel Migration Zone map:))~~ Channel Migration Zone Channel migration zones are those areas along a river channel within which the channel(((s))) can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. <u>In areas located in King County's shoreline jurisdiction, the channel migration zone includes areas shown on King County's Channel Migration zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area, and areas not shown on King County's Channel Migration Zone maps but located within the floodplain.</u>	Critical Areas ((The Growth Management Act requires cities and counties to designate, where appropriate, critical areas which include: 1) wetlands, 2) areas with a critical recharging effect on aquifers used for potable water, 3) fish and wildlife habitat conservation areas, 4) frequently flooded areas, and 5) geologically hazardous areas:)) <u>Any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas:</u> a. <u>Critical aquifer recharge areas:</u> b. <u>Frequently flooded areas, regulated as Flood Hazard Areas:</u> 1. <u>Floodplain;</u> 2. <u>Special flood hazard area, as shown on the Flood Insurance Rate Maps;</u> 3. <u>Zero-rise flood fringe;</u> 4. <u>Zero-rise floodway;</u> 5. <u>FEMA floodway; and</u> 6. <u>Channel migration zones;</u> c. <u>Fish and wildlife habitat conversation areas:</u> 1. <u>Aquatic areas;</u> 2. <u>Riparian areas;</u> 3. <u>Wildlife habitat conservation areas; and</u> 4. <u>Wildlife habitat networks;</u> d. <u>Geologically hazardous areas:</u> 1. <u>Alluvial fan hazard areas;</u> 2. <u>Channel migration zones;</u> 3. <u>Coal mine hazard areas;</u> 4. <u>Erosion hazard areas;</u> 5. <u>Landslide hazard areas;</u> 6. <u>Seismic hazard areas;</u> 7. <u>Steep slope hazard areas;</u> 8. <u>Tsunami hazard area; and</u> 9. <u>Volcanic hazard areas; and</u> e. <u>Wetlands.</u>
Ecological Function An ecological function refers to physical, chemical, and biological processes or attributes at some level of biological organization. For example, the ecological functions of wetlands include food chain support, water quality maintenance, flood storage, and wildlife habitat.	Ecoregions Ecoregions are land areas that contain a geographically unique set of species, communities, and environmental conditions.
Ecosystem Ecosystem means the complex of a community of organisms and its environment functioning as an ecological unit.	Endangered Species Endangered species means any species which is in danger of extinction throughout all or a significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the state of Washington Department of Fish and Wildlife.
Endangered Species Act ((ESA)) The Endangered Species Act is an act that was adopted by the U.S. Congress in 1973 to provide a means to conserve ecosystems upon which endangered and threatened species depend and to provide a program for the conservation for such endangered and threatened species.	((Endemic Species ~~Endemic species (or habitats or ecosystems) are those that are native to, and occur only in, a particular area or locale. Endemic species generally have very specific adaptive requirements that are linked to particular habitat or ecosystems that are rare (e.g., Townsend's big-eared bats and caves). Even small changes in the ecosystem are likely to cause localized extinctions of these species:))~~
Enhancement ~~For the purposes of critical area regulations, ((E))~~<u>enhancement means ((to increase or)) an action that improves ((one or more of the functions, attributes, or values that an ecosystem or environmental feature possesses)) the processes,</u>	((Environmentally Sensitive Areas ~~Environmentally sensitive areas include: coal mines; areas that are prone to erosion, floods, landslides, or seismic activity; steep slopes; volcanic hazard areas; and streams, wetlands and protection buffers:))~~

structures, and functions of ecosystems and habitats associated with critical areas or their buffers. (See Chapter 5((:)), Environment).	
FEMA floodway A FEMA (Federal Emergency Management Agency) floodway is the channel of the stream ((and that portion of the adjoining floodplain that is necessary to contain and discharge the 100-year flood flow without increasing the base flood elevation more than one foot)) <u>or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height at any point. The FEMA floodway is delineated on the Flood Insurance Rate Map, as well as on, but not limited to, King County Surface Water Design Manual major floodplain or floodway studies.</u>	((Flood Hazard Management Plan The King County Flood Hazard Management Plan contains policies and program and project recommendations that guide floodplain use and development throughout King County:)) Floodplain Floodplain is the total area subject to inundation by the 100-year flood.
((Floodway, zero-rise Floodway zero-rise is the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation: A. For the purpose of this definition, measurable increase in base flood elevation means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain: Zero-rise floodway is broader than that of the FEMA floodway but always includes the FEMA floodway. B. Zero-rise floodway includes the entire floodplain unless a critical areas report demonstrates otherwise.	Habitat Network Habitat network is a system of fish and wildlife habitat ((where connections between)) <u>that link large habitat blocks and open spaces with critical areas and their buffers, priority habitats, trails, parks, and other areas that</u> ((are necessary for the support of)) <u>provide for fish and wildlife through their life cycles and alleviate habitat fragmentation.</u> ((Keystone Species Keystone species are those that exert a significant effect on the structure of the biological community of which they are a part. These species often prevent dominance by a single species and thereby maintain diversity in the community:))
Landslide Hazard Areas An area subject to severe risk of landslide, such as: ((A:)) <u>a.</u> An area with a combination of: 1. Slopes steeper than fifteen percent of inclination; 2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and 3. Springs or ground water seepage; ((B:)) <u>b.</u> An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch; ((C:)) <u>c.</u> Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; ((D:)) <u>d.</u> An area that shows evidence of or is at risk from snow avalanches; or ((E:)) <u>e.</u> An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.	((Locally Significant Resource Areas (LSRAs) LSRAs Locally Significant Resource Areas contribute to the aquatic resources within a specific basin, when compared to aquatic and terrestrial systems of similar size and structure elsewhere in the basin. They also provide wetland and stream habitat that is important for wildlife and salmonid diversity and abundance within the basin. (See Chapter 5: Environment)) ((Mitigation Bank A mitigation bank is a property approved by the appropriate county, state and federal agencies for restoration, creation, or enhancement to compensate for adverse impacts to wetlands caused by the development of public agency facilities and utility facilities. Mitigation Payment System This impact fee system establishes a requirement that new growth and development pay a proportionate share of the cost of needed transportation improvements. The mitigation payment system is authorized by state growth management legislation. (See Chapter 8: Transportation))
Priority habitat Priority habitat means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: • Comparatively high fish or wildlife density; • Comparatively high fish or wildlife species diversity; • Fish spawning habitat; • Important wildlife habitat; • Important fish or wildlife seasonal range; • Important fish or wildlife movement corridor; • Rearing and foraging habitat; • Important marine mammal haul-out; • Refugia habitat; • Limited availability; • High vulnerability to habitat alteration; • Unique or dependent species; or • Shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife. [Washington Administrative Code	Priority Species Priority species means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below. ((a)) <u>a.</u> Criterion 1. State-listed or state-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (<u>Washington Administrative Code ((232-12-014)) 220-610-010</u>), threatened (<u>Washington Administrative Code ((232-12-014)) 220-200-100</u>), or sensitive (<u>Washington Administrative Code ((232-12-014)) 220-200-100</u>). State-proposed species are those fish and wildlife species that will be reviewed by the ((d))Department of ((f))Fish and ((w))Wildlife ((POL-M-6001)) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in <u>Washington Administrative Code ((232-12-297)) 220-610-110</u>. ((b)) <u>b.</u> Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations. ((c)) <u>c.</u> Criterion 3. Species of recreational, commercial, and/or <u>Indian</u> tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation. ((d)) <u>d.</u> Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

173-26-020 (((24)))		
Rare Ecosystems, Habitats, and Species Rare <u>ecosystems, habitats, and species</u>((, habitats, and ecosystems)) are those that are few in number or are poorly represented in an area. Rare species often lack the capability to resist changes in environmental conditions or lack the resilience to recover after a change. Species, habitats, and ecosystems may be rare because of the following reasons: changing natural conditions have reduced their range, abundance, or distribution; they depend on specific environmental conditions that are not commonly represented in this area (species or habitats at the edge of their range or occurring as relicts); and anthropogenic (human-related) actions have caused habitat loss or severe decreases in range or abundance.		~~((Regionally Significant Resource Area (RSRA)~~ ~~RSRAs are those portions of watersheds that contribute to the resource base of the entire Puget Sound region by virtue of exceptional species and habitat diversity and abundance when compared to aquatic and terrestrial systems of similar size and structure elsewhere in the region. may also support rare, threatened or endangered species or communities. (See Chapter 5: Environment)))~~
Riparian Area ~~((Pertains to the banks of rivers and streams, and also sometimes wetlands, tidewater and lakes:))~~ <u>A designated area contiguous to an aquatic area such as a stream, lake, estuary, or marine waters, that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas reduce impacts from adjacent land uses through various physical, chemical, or biological processes.</u>		Salmonid A member of the fish family Salmonidae. In King County, salmonid species include, but are not limited to, Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, <u>steelhead, and rainbow</u>((, and brown)) trout ((and steelhead)); Dolly Varden char, ((brook)) trout, <u>which is a type of char; ((, char;)) kokanee;((, and)) pygmy whitefish; and mountain whitefish.</u>
~~((Sensitive Areas Map Folio~~ ~~The folio displays the location of environmentally sensitive areas in unincorporated King County. It identifies sensitive areas for wetlands, streams, flood hazards, erosion hazards, landslide hazards, seismic hazards, and coal mine hazards:))~~		Sensitive Species Sensitive species means any species that is likely to become an endangered species within the foreseeable future throughout all or significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the Washington State Department of Fish and Wildlife.
Species of Local Importance Species of local importance include priority species as identified by the state of Washington Department of Fish and Wildlife; bird species whose populations in King County are known to have declined significantly over the past 150 years; anadromous salmonids; and aquatic species whose populations are particularly vulnerable to changes in water quality and water quantity.		~~((Unique Wetland~~ ~~The term unique wetland refers to bogs and fens, which have unusual and sensitive water chemistries:))~~
Wetland The term wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.		~~((Wetland Banking~~ ~~Wetland banking is a process that allows certain wetlands to be developed if the development is accompanied by the restoration or creation of wetlands in other areas. (See Chapter 5: Environment)))~~
Wetland Functions ~~((Functions refer to the ecological (physical, chemical and biological) workings or attributes of a wetland regardless of their importance to society. Food chain support or the transport and transformation of chemicals in ecosystems are examples of wetland functions. Water quality maintenance, flood storage, and wildlife habitat are examples of ecological functions to which society attributes a value:))~~ <u>The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform functions that are grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.</u> (See Chapter 5((:)), Environment)		Wetland Values Values are estimates, usually subjective, of the worth, merit, quality, or importance of wetland attributes that are valuable and beneficial to society. Values vary by watershed or human community. Education, research, aesthetics, and recreation are examples of other wetland attributes that may be considered values in that they are beneficial to society.

2025 Comprehensive Plan Update & Critical Areas Regulations Update

Proposed Ordinance 2024-0408

King County Council Review and Adoption Schedule

As of May 8, 2025 - subject to change

Date	Event
December 5, 2024	Executive Recommended Plan Transmitted
January 7, 2025	Referral to Local Services and Land Use (LSLU) Committee
February 19 9:30am Council Chambers	LSLU Committee - Executive Staff Briefing - Executive Staff Brief Proposed Ordinance - Council staff review schedule and process <i>Opportunity for Public Comment - Remote and In-Person</i>
April 16 9:30am Council Chambers	LSLU Committee - Briefing 1 - Council staff brief analysis <i>Opportunity for Public Comment - Remote and In-Person</i>
May 21 9:30am Council Chambers	LSLU Committee - Briefing 2 - Council staff brief analysis - Follow up <i>Opportunity for Public Comment - Remote and In-Person</i>
May 28 End of day	Amendment requests for Striking Amendment due
June 6 End of day	Substantive direction deadline for Striking Amendment
July 15 End of day	Striking Amendment released
July 16 9:30am Council Chambers	LSLU Committee - Briefing 3 - Council staff brief analysis - Follow up - Briefing on striking amendment <i>Opportunity for Public Comment - Remote and In-Person</i>
July 23 End of day	Line amendment direction due
August 15 End of day	Public Line Amendments released
August 20 9:30am Council Chambers	Local Services and Land Use Committee - Review and consideration of striking and line amendments - Vote on striking amendment, line amendments, and Committee recommendation <i>Opportunity for Public Comment - Remote and In-Person</i>
August 27 End of day	Council amendment concept deadline for SEPA and public hearing notice Councilmember amendment requests for Striking Amendment due
September 26 End of day	Substantive direction deadline on Striking Amendment
October 31	Public Hearing Notice Issued
November 3 End of day	Striking Amendment distributed to Councilmembers
November 7 End of day	Line amendment direction due

Color key:

Gray: Executive actions

Blue: Public Hearing or Action dates

White: Regular Committee Meetings

Red: Amendment deadlines

Date	Event
November 21 End of day	Public amendments released
December 2 1:30pm Council Chambers	Public Hearing and vote at full Council • Consideration of amendments • Vote on final adoption of proposed 2025 Comprehensive Plan Update <i>Opportunity for Public Testimony - Remote and In-Person</i>

For more information on the Council's Review of the 2025 Comprehensive Plan update, please visit the website: <https://kingcounty.gov/en/dept/council/governance-leadership/county-council/useful-links/comprehensive-plan/2025>.

Evaluation of different riparian area widths on number of intersecting parcels and changes to housing capacity within Urban Unincorporated King County.

March 26, 2025

PURPOSE AND OVERVIEW

The Executive has proposed updates to the Critical Areas Ordinance (CAO). Council Central Staff requested additional information and analysis of potential development impacts of proposed updates to riparian area widths in Urban Unincorporated King County (UUKC), including comparison of current widths for type Shoreline (S) and Fish Bearing (F) streams (115 feet), the Executive Proposal to increase riparian area widths for Type S and F streams in UUKC to 180 feet, and the 200 foot width generally indicated for riparian area widths in the updated BAS Review. (The 200-foot width is proposed outside the Urban Growth Area but is not proposed for UUKC).

Based on a meeting with Council Central Staff, Executive Staff committed to doing additional GIS analysis to determine the numbers of parcels in UUKC that would be newly impacted by the proposed increase in riparian area widths, and to break out the results by subarea planning geographies. A key caveat is that actual impacts on development capacity can only be determined through the permitting process at a property scale, considering zoning, the presence of other critical areas on the property, as well as code allowances for buffer averaging and provisions for Reasonable Use Exceptions that are required by law. Further, it's important to note that this analysis is using current, proposed, and BAS-indicated riparian area widths for Type S and F streams where the widest width is applied; Executive staff made this conservative assumption for the analysis because Types S and F are the most prevalent stream types. In actual application of the code, if streams were determined to be Type N or O during the critical areas review, smaller riparian area widths would apply. In other words, this analysis will tend to **overestimate** the number of parcels newly impacted.

RESULTS

Based on the GIS analysis, the following table includes the numbers and percentages of parcels that would be newly impacted by an increase in riparian areas widths from 115 feet to 180 feet, or to 200 feet:

Table 1. Number of Parcels in Urban Unincorporated KC Intersected by Existing, Proposed, and Best Available Science-Suggested Riparian Areas Widths

Community Service Area (CSA) or Potential Annexation Area (PAA)	Stream miles	115 ft riparian (Existing)	180 ft riparian (Proposed)	200 ft riparian (BAS suggested)	Additional # of parcels affected by increasing from 115 ft to 180 ft	Additional # of parcels affected by increasing from 115 ft to 200 ft	Additional # of parcels affected by increasing from 180 ft to 200 feet
Bear Creek/Sammamish Area CSA	7.2	74	150	186	76	112	36
East Federal Way PAA	16.3	880	1,197	1,314	317	434	117
East Renton PAA	8.1	386	521	558	135	172	37
Fairwood PAA	12.7	658	904	994	246	336	90
Greater Maple Valley/Cedar River CSA	0.1	7	9	12	2	5	3
North Highline PAA	4.8	188	244	266	56	78	22
Other Urban UUKC PAAs	22.8	523	733	818	210	295	85
SE King County CSA	3.3	125	137	143	12	18	6
Skyway West Hill PAA	4.3	336	484	557	148	221	73
Snoqualmie Valley NE King County CSA	15.4	508	572	602	64	94	30
Grand Total	95.0	3,685	4,951	5,450	1,266	1,765	499

For reference, 1,266 parcels newly impacted by increasing the riparian area under the Executive Proposed riparian-area width in UUKC from 115 feet to 180 feet represents 3.4 percent of the 37,178 parcels in the area analyzed.

Additionally, Executive Staff committed to provide additional analysis of changes in riparian area widths on housing capacity and to put in context overall housing capacity and housing targets for the urban unincorporated area, consistent with the 2024 Comprehensive Plan land capacity analysis, to estimate the residential development capacity potentially affected by the previously specified riparian buffer widths.

Table 2. Potential Housing Unit Capacity in Urban Unincorporated KC Impacted by Current, Proposed, and Best Available Science-Suggested Riparian Area Widths

Community Service Area (CSA) or Potential Annexation Area (PAA)	Stream miles	Capacity potentially affected by 115 ft riparian area	Capacity potentially affected by 180 ft riparian area	Capacity potentially affected by 200 ft riparian area (BAS suggested)	Potential decrease in housing units by increasing riparian widths from 115ft to 180 ft	Potential decrease in housing units by increasing riparian widths from 115ft to 200 ft	Potential decrease in housing units by increasing riparian widths from 180 to 200 feet
Bear Creek/Sammamish Area CSA	7.2	0	0	0	0	0	0
East Federal Way PAA	16.3	1,726	1,963	2,003	237	277	40
East Renton PAA	8.1	721	800	817	79	96	17
Fairwood PAA	12.7	704	887	894	183	190	7
Greater Maple Valley/Cedar River CSA	0.1	0	0	0	0	0	0
North Highline PAA	4.8	188	230	233	42	45	3
Other Urban UUKC PAAs	22.8	708	845	903	137	195	58
SE King County CSA	3.3	53	53	53	0	0	0
Skyway West Hill PAA	4.3	781	939	950	158	169	11
Snogualmie Valley NE King County CSA	15.4	45	46	46	1	1	0
Grand Total	95.0	4,926	5,763	5,899	837	973	136

KEY TAKEAWAYS

1. **These are high-level, conservative estimates that likely overstate the impact to residential capacity.**
2. The **existing** riparian area width for Type S and F streams of 115 feet impacts 3,685 parcels. Increasing the width to 180 feet (Executive Proposal) is conservatively estimated to newly impact an additional 1,266 parcels. Increasing to 200 feet would newly impact and estimated 1,765 parcels (difference of 499 from 180 feet). This analysis applies to a total of 37,178 parcels in the UUKC.
3. Varying the riparian area width has a relatively small estimated impact on residential capacity (see Table 2). The **existing** riparian width of 115 feet affects 4,926 units of residential capacity. Increasing to the 180-foot riparian area width could affect 837 more units of residential capacity. Increasing to the 200-foot riparian area width could affect an additional 136 units of capacity.
4. Overall, the riparian area's estimated impact on UUKC residential capacity overall (regardless of riparian width) will not significantly affect King County's ability to accommodate planned growth in UUKC. The land capacity analysis from the 2024 Comprehensive Plan estimated approximately 29,000 units of residential capacity in UUKC, sufficient to accommodate the projected 5,412 units of housing growth 2019-2044.

OTHER FACTORS AFFECTING DEVELOPMENT

Being newly impacted by a riparian area width has the practical effect of triggering additional critical areas review for permits for new development, redevelopment, and remodels. Additionally, depending on how much of the property is constrained by the riparian area, it could limit the ability to achieve zoned density, though in some cases the presence of other critical areas (e.g. wetlands, frequently flooded areas, steep slopes, landslide hazard areas) may already effectively limit the potential to meet zoned density. It's not uncommon for development proposals to have more than one critical area and critical areas permit conditions applied to the permit. For the period from

2019 to 2021, 40 percent of development permits included a critical areas condition. Nine percent of permits had conditions related to both riparian areas and wetlands. Below is a table from Best Available Science (BAS) Report, p. 203, summarizing percentages of permit applications from 2019-2021 for which critical areas conditions were applied for all critical areas, riparian areas, and/or wetlands.

Table B.1 Critical Areas screening trends and housing development.

	Count	Percent
Processed Housing Permits (2019-2021)	933	100%
Any Critical Area Condition on Permit	370	40%
Riparian Area <i>or</i> Wetland Buffer Condition	270	29%
Wetland Buffer Condition	197	21%
Riparian Area Condition	158	17%
Riparian Area <i>and</i> Wetland	85	9%

ADDITIONAL INFORMATION ON METHODOLOGY

The first analysis evaluates how many parcels within UUKC are intersected by a 115ft, 180ft and 200 ft riparian buffer. “Intersected” means any part of a parcel touching any part of a riparian area; so, there will be a range of how much of a parcel’s area intersects, from almost none, to an entire parcel. For ease of analysis, Executive Staff assumed all urban streams were Type F/S streams. This will slightly **overstate** the potential impact of number of parcels and housing capacity.

The second analysis uses the data from the first analysis to evaluate how development potential would be affected.

Both Analysis 1 and 2 focused on UUKC to be consistent with: housing targets, which only apply to the Urban Growth Area (UGA); allocated housing needs in the Countywide Planning Policies (CPPs), which only apply to the UGA; housing capacity analysis in the Comp Plan, which only applies to the UGA, and Growth Management Act, VISION, CPP, and Comp Plan requirements to focus development in the UGA.

Analysis 1: Number of parcels affected by riparian buffers

Process:

1. Generate stream buffers of 115’, 180’ and 200’ using GIS data for [double banked major rivers](#) and the most current streams layer.
2. Select all parcels in UUKC where any portion of the parcel intersects the riparian buffers.
3. Generate tallies using subarea planning geographies (urban Potential Annexation Areas and the urban portions of applicable rural [Community Service Areas](#)). Other urban unincorporated areas not in a subarea planning geography were also included to address the remainder of UUKC. Two rural Community Service Area subarea planning geographies were not included in the capacity analysis because they do not have urban unincorporated areas: Four Creeks/Tiger Mountain, and Vashon/Maury Island.

Parameters: Excludes public parcels, golf courses, tracts, greenbelts, and Rights-of-Way consistent with the 2024 Comprehensive Plan land capacity analysis.

Analysis 2: Capacity Analysis

Process:

1. Obtain the parcel size and number of existing units on affected parcels (i.e. parcels intersecting a riparian area).
2. Overlay the affected parcels with current zoning.
3. Multiply each parcel's area by the base density for each zone. For each parcel, calculate potential number of units by rounding to the nearest whole number.
4. Compare the existing units to maximum units (under zoning). Where a non-vacant parcel has a maximum / existing ≥ 2 , consider this parcel as "redevelopable." Subtract the number of existing units from the potential number of units to assign net capacity.
5. Sum the net capacity of affected vacant and redevelopable parcels by the same geographies in Analysis 1.

Sources of existing number of units and zoning allowance:

- Existing number of units: Assessor's extracts for residential, condo, and apartment buildings.
- The following base zoned densities were applied in non-residential zones:
 - CB -48 units/ac
 - I – 0 units/ac
 - NB – 8 units/ac
 - UR – 1 unit / 5 acres
- Mobile Home (Present Use): 1 unit
- Mobile Home Park (Present Use): zero capacity

Caveats:

- Parcels are considered redevelopable regardless of improvement value. Some vacant parcels may have low development viability due to other constraints, e.g. presence of steep slopes, wetlands, etc.
- Excludes parcels in current use taxation, consistent with the 2024 Comprehensive Plan land capacity analysis.

Agriculture and the Critical Areas Regulations – LSLU 5/21/25

Agricultural activities are regulated under the critical area regulations in multiple ways. This write up focuses on what is allowed under the critical area alterations table, grading permit exemptions table, standards for agricultural activities in the critical areas regulations, and the livestock management ordinance. There are other regulations that apply to agricultural activities, including but not limited to zoning conditions, floodplain and shoreline regulations.

Standards for Agricultural Activities (note that where there is highlighting, that is the equivalent exemption for a clearing and grading permit)

- Construction of new single detached dwelling units are limited to farm residences, are only an allowed alteration in certain types of wetlands or wetland buffers, and are subject to the same criteria as nonresidential structures.
- Construction of nonresidential structures are an allowed alteration in alluvial fan hazard areas, wetlands and buffers, aquatic areas, riparian areas, severe migration hazard areas, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with a farm management plan and all BMPs for the associated structure are installed and maintained, and limits on location; specific requirements for fencing; and for alluvial fan hazard areas and severe CMZs, feasibility of other more appropriate locations on-site, least risk, no hazardous substances, limits on footprint within the severe CMZ.
- Horticultural activities and grazing of livestock are an allowed alteration, without expansion into critical areas or buffers, in any critical area or buffer.
- New or expanded horticultural activities and grazing of livestock is an allowed alteration in wetlands/buffers, aquatic areas, riparian areas, CMZ, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with limits to the clearing allowed (there is a change in the code from a square footage limit, to a limit on clearing vegetated areas), and with a farm management plan and all BMPs for the associated activities are installed and maintained. Note that the alteration table doesn't require it, but there are additional grazing buffer requirements for wetlands and buffers, aquatic areas, and riparian areas that are described below.
- These standards, for existing and for new and expanded, also apply to new and expanded commercial fish farm (except for landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and that commercial fish farms are not an allowed alteration in these landslide hazard areas or buffers or alluvial fan hazard areas).
- These standards, for existing and for new and expanded, also apply to construction and maintenance of farm ponds, fish ponds, and livestock watering ponds (no permit for maintenance, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW).
- Construction of a livestock heavy use area is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility of other more appropriate locations on-site, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk).
- Construction or maintenance of a farm pad is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, and CMZs, with criteria (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan and all BMPs for the associated activities are installed and maintained, and least risk).
- Construction or maintenance of a livestock manure storage facility (no grading permit required with an approved farm plan, except a grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas) is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and in an alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk). The flood code also prohibits new manure facilities with slurries or sludge in the FEMA floodway.
- Construction of new agricultural drainage is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, CMZs, and wildlife habitat areas, with a farm plan; and no disturbance during breeding season in habitat areas.
- Maintenance or replacement of agricultural drainage (no grading permit required, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW) is an allowed alteration in any critical area. Criteria includes:
 - Allowed with a forest plan or farm plan; or if it is done with hand labor, the area is stabilized to avoid noxious weed regrowth, revegetation occurs, and herbicides are used legally.
 - Allowed for existing agricultural activities, without expansion into critical areas or buffers.
 - Allowed for new and expansion of agricultural activities on sites where the predominant use is agricultural activities, with limits to the clearing allowed, and with a farm management plan and all BMPs for the associated activities are installed and maintained.
 - Where the drainage is used by salmonids, requires a farm plan.
- Maintenance of agricultural waterway (no grading permit if in compliance with the critical area alteration, but an inspection is required by KCD, DNRP, DLS or WDFW) is an allowed alteration in critical areas (but not allowed in habitat areas). Criteria includes:
 - Purpose is to improve agricultural production for sites engaged in agriculture;
 - With a Hydraulic Project Approval permit from WDFW;

- Compliance with the approved ADAP agreement;
- Work is done by a trained person; and
- Compliance with the Clearing and Grading Code.
- Construction (no grading permit is required on sites with agricultural activities, with a farm plan and all constructed using BMPs), 14' wide max, minimizing impacts, KCWSDM, least risk of channel migration, and other permits are obtained) or maintenance (no permit required if there is a farm plan) of farm field access drive is an allowed alteration in all critical areas in the A, APD, or FPP, on sites where there are agricultural activities, with a farm management plan and all BMPs for the associated activities are installed and maintained, feasibility, compliance with the KCSWDM, least risk of channel migration, and other permits are obtained.

Supplemental allowance for agricultural activities within wetland buffers, riparian areas, and habitat conservation areas

- Alterations can expand within these areas with a farm plan or livestock plan.
- Does not exempt these activities from permits, if they are otherwise required.
- Requires a public rule for farm plans.
- Goals for the farm plans include:
 - maintain the productive agricultural land base and economic viability of agriculture on the site
 - maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner
 - use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan
 - monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan
- In the shoreline jurisdiction, also required to be consistent with SMP, consider shoreline protection and restoration plan, and ensure no net loss of shoreline and critical area functions and values.
- Plans are required to include:
 - Inventory of critical areas, structures, cleared and forested areas, and other significant features
 - Site-specific performance standards and best management practices to:
 - maintain, restore or enhance critical areas and associated buffers, and
 - maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages
 - A plan for future changes to structures or clearing or grading
 - A plan for implementation and monitoring. Modifications to the farm plan are encouraged if adverse impacts are identified.
- Farm plans are required to document flood compensatory storage compliance.
- Farm plans are required to be approved by the County. The County can do a site visit before approval, and the County's review is that the farm plan is likely to accomplish the goals and is consistent with the standards.

Additional requirements for livestock management

- Farm plans are required to have:
 - Nutrient management plans
 - Measures to minimize pollution in wetlands and aquatic areas, which could include exclusion of animals from such areas
 - Timeline for implementation
 - An option to require a monitoring plan
- Allowances in the livestock management plan include:
 - A goal of a:
 - 40 foot wide grazing area buffer from the OHWM of S and F aquatic areas and edge of category I, II, and III wetlands (not including grazed wet meadows)
 - 35 foot wide grazing area buffer from the OHWM of N aquatic areas
 - 20 foot wide grazing area buffer from edge of category 4 wetlands (not including grazed wet meadows)
 - These buffers can be varied, or changed, based on guidelines agreed to by King County and KCD.
 - Manure BMPs to avoid having manure within 10 feet of O aquatic areas are required.
 - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
 - Ensure that drainage ditches do not channel waste to aquatic areas or wetlands

- A 20 foot wide vegetated area is required downslope of confinement areas, within 200 feet of S, F, and N waters. This may be waived on sites with 2.5 acres or less, if there is a buffer of 40 feet, manure is removed daily in the winter and stored in compliance with the K.C.C., and BMPs recommended by the KCD are implemented and maintained
- Deviation from manure management standard are addressed in the livestock plan.
- A copy of the final plan is submitted to the department within 60 days of completion. An appeal to the Hearing Examiner of DNRPs approval is allowed.
- Properties with an existing approved livestock management plan are deemed to have satisfied the requirements.
- Low density livestock operations are not required to get a livestock management plan if they meet other standards in K.C.C. 21A.30.060, including:
 - Livestock watering standards, including limiting access to aquatic areas and riparian areas, use of fencing, use of bridges;
 - Grazing area buffers of 50 feet from edge of a wetland (excluding grazed wet meadows) or OHWM of S, F, or N aquatic areas, or 25 feet from a category IV wetland. These buffers can be reduced to 25 feet when a 25-foot buffer already exists. Fencing is required. These buffers include from critical areas on adjacent properties.
 - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
 - No plowing within 200 feet of S, F, or N aquatic areas or wetlands in the winter.
 - Confinement areas within 200 feet S, F, or N aquatic areas or wetlands (except grazed wet meadows) require a 20-foot vegetative filter strip downhill from confinement area and new confinement areas cannot be located in the riparian area adjacent to S, F, or N aquatic areas or wetlands. Fencing is required. These requirements apply for aquatic areas and wetlands on adjacent properties.
 - Manure storage areas required that runoff be diverted away from manure storage. Manure 200' uphill of S, F, or N aquatic areas or wetlands required to be covered to exclude precipitation and allow free flow of air or be in a concrete bunker (which requires monitoring) or lagoon for pickup to prevent leachate from reaching aquatic area or wetland. May not be stored in a riparian area or wetland buffer except grazed or tilled wet meadows, if there is another alternative on site. Avoid manure runoff into aquatic areas or wetlands. Manure piles cannot be closer than 100 feet uphill from wetland edges (except grazed or tilled wet meadows), OHWM of aquatic areas, or ditches where the topography would direct runoff from the manure; can be reduced to 50 feet if part of a compost system on an impervious area. Limits on spreading manure seasonally.
 - Buffer maintenance is allowed.
 - Areas with existing fencing are deemed compliant, except fencing must be present for all S and F aquatic areas.
 - No public access, use, or dedication within buffer areas.

Critical Area Alterations Table

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
Structures						
Construction of new single detached dwelling unit		A 1	((A2))		1 allows farm residences are allowed in wetland and buffers (grazed or tilled wet meadows only) 2 would allow a new single detached dwelling unit in a buffer of a lake over 20 acres with several conditions. This allowance is proposed to be removed.	• 1 would allow a farm residence to be constructed in a grazed or tilled wet meadow, which is a type of wetland, subject to certain conditions. This is a policy choice to allow these residences in wetlands. • No other allowances for new single detached dwelling units are allowed in critical areas. A new single detached dwelling unit in these identified critical areas/buffers would be required to go through a critical area alteration exception or a reasonable use exception (depending on the impact).
Construction of nonresidential structure	A 3	A 3	A 3	A 3, 4	3 Expansion of agriculture to agricultural activities, meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows: • Allowed in alluvial fans • Allowed in wetland and buffers (grazed or tilled wet meadows only) • Allowed in riparian areas	3: Alluvial fan hazard areas are a type of steep slope hazard area. New nonresidential structures are not permitted in a steep slope hazard area, meaning that it would not be allowed in an alluvial fan hazard area. Council may wish to clarify this.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					- Allowed in channel migration hazard areas - Allowed in WHCA and WHN outside of seasonal limits 4 limits clearing during breeding seasons.	
1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section. 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:...~~ 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows, ~~((or))~~ wetland buffers ~~((of wetlands))~~, or ~~((aquatic))~~ riparian areas where: a. the site is predominantly used for the practice of ~~((agriculture))~~ agricultural activities; b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; c. the structure is either: (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production; (2) higher in elevation and no closer to the critical area than its existing position; or (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan; d. all best management practices associated with the structure specified in the farm management plan are installed and maintained; e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and f. in an alluvial fan hazard area or a severe channel migration hazard area ~~((portion of an aquatic buffer only))~~ if: (1) there is no feasible alternative location on-site; (2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration; (3) the structure is not used to house animals or store hazardous substances; and (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site. 4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.						3: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities includes other activities like on-site storage, distribution, processing, sales, maintenance. This would allow new nonresidential structures in critical areas associated with any type of agricultural activity, rather than just associated with agricultural uses (growing crops and raising livestock). This is a policy choice. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Agriculture						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53, 54	A 53, 54	A 53, 54	53 Generally speaking, agricultural activities in existence since 1/1/2005 would be permitted to continue with no expansion allowed. 54 covers new and expansion of activities, if: - The site is predominately used for agricultural activities; - No expansion occurs in areas cleared under class I, II, III, IV-S, or nonconversion IV-G forest practice permits; - No expansion occurs in wetland, wetland buffer, or riparian area with native forest overstory, shrub, or herbaceous layer ~~((except that areas managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock are allowed to expand in these areas))~~; - A farm management plan is approved; - BMPs are installed and maintained.	The proposed ordinance would allow livestock activities to occur in wetlands, wetland buffers, riparian areas, aquatic areas, severe channel migration zones, wildlife habitat networks, and wildlife conservation areas, subject to limitations and conditions summarized below. New and expanded grazing areas would be subject to grazing area buffers between 0 and 50 feet (see the discussion on these below). Livestock manure management facilities and livestock heavy use areas do not appear to have a numeric buffer, except that the livestock management standards have a goal for 20 feet of vegetation is to be achieved downslope of confinement area for a Type S, F, and N aquatic areas in some situations. Whether to allow these activities in critical areas or buffers and to what extent they may be in a critical area is a policy choice.
Grazing livestock	A 53	A 53, 54	A 53, 54	A 53, 54		
Construction or maintenance of a commercial fish farm		A 53, 54	A 53, 54	A 53, 54		
Construction or maintenance of farm pond, fish pond, or livestock watering	A 53, 54	A 53, 54	A 53, 54	A 53, 54		

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
pond						53: As written, this condition appears to limit agricultural activities to only those established <i>after</i> January 1, 2005, not those in continuous existence <i>before</i>. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely). 54: New and expansion of livestock in these critical areas would be permitted on properties predominately used for agricultural activities, on areas without predominantly native vegetation, subject to grazing area buffers (0 to 50 feet), a farm management plan, and other requirements. Agricultural activities include the growing of crops and livestock, but also includes activities such as processing, warehousing, or sales. It is unclear if this is consistent with the BAS report, which indicates that the full buffer widths in K.C.C. 21A.24.358, ranging from 50 to 200 feet, “would apply if new grazing areas were proposed in critical areas that haven’t been converted for agricultural use” (page 97). Executive staff indicate that the code is intended to support the GMA goals around agriculture. 54: Changing “agriculture”, which is limited to growing crops, livestock, or agricultural products, to “agricultural activities” would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. It means that meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows: • Allowed in alluvial fans • Allowed in wetland and buffers (grazed or tilled wet meadows only) • Allowed in riparian areas • Allowed in channel migration hazard areas • Allowed in WHCA and WHN outside of seasonal limits This is a policy choice.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
						Also in 54, Council may wish to include “aquatic area” to this list to clarify that livestock is not permitted in aquatic areas. Finally in 54, there is an exception to the clearing limit to allow for pulpwood, Christmas trees, or ornamental nursery stock. This is a policy choice.
53: Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: - the site is predominantly involved in the practice of ((agriculture)) agricultural activities; - there is no expansion into an area that: - has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or - is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; - the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and - all best management practices associated with the activities specified in the farm management plan are installed and maintained.						54: As proposed, new or expanded agricultural activities would not be limited to 10,000 sf in treed areas, and instead would not be allowed in wetland, wetland buffers, or riparian areas that contain native forestry overstory, shrub, or herbaceous layer. Executive staff indicate that this change would result in greater protections, as the existing code would allow clearing of native shrubs or herbaceous species without a farm management plan or grading permit. This change would connect protection to specific critical areas, consistent with the County’s BAS, and limit new expansion into these critical areas. However, Council may note that these changes still would allow some livestock activities in critical areas that do not meet the native vegetation criteria, which represents a high-risk approach. This is a policy choice.
Construction of a livestock heavy use area		A 53, 54, 55	A 53, 54, ((55,)) 56	A 53, 54	55 allows the activities (livestock heavy use area and livestock manure storage facility) only in grazed or tilled wet meadows and their buffers: - With a farm management plan or livestock management plan; - If there is not another feasible location on-site; and - The facility is located as close to the outside edge of the buffer to the maximum extent practical.	55 and 56 allow the construction of a livestock manure storage facility or livestock heavy use areas with no minimum buffer requirement, except that 20 feet of vegetation is a goal that the livestock management standards seek to livestock standards downslope of confinement area for a Type S, F, and N aquatic areas in some situations. This is a policy choice. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Construction or maintenance of a farm pad		A 56	A 56			
Construction or maintenance of livestock manure storage facility		A 53, 54, 55	A 53, 54, ((55,)) 56	A 53, 54	56 allows activities: - In severe CMZs outside the shoreline jurisdiction; - In grazed or tilled wet meadows and their buffers; - In grazed or tilled riparian area; - With criteria: - Impacts have been minimized; - There is no other feasible location on-site; - The farm management plan is followed; and - There is the least risk from channel migration. There is also a separate provision in the flood hazard code that prohibits new facilities in the FEMA floodway:	

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					21A.24.260 FEMA floodway - development standards and alterations. The following development standards apply to floodplain development and alterations on sites within the FEMA floodway: ... E. New livestock manure storage facilities for liquid and slurry manure are prohibited in the FEMA floodway. Existing livestock manure storage facilities may be repaired or enlarged as necessary to comply with the standards in the farm's nutrient management plan.	
55. Only allowed in grazed or tilled wet meadows or ((their)) associated buffers if: a. the facilities are designed to the standards of an approved farm management plan <u>or livestock management plan</u> and in accordance with K.C.C. 21A.24.051 ((or an approved livestock management plan in accordance with K.C.C. chapter 21A.30)); b. there is not a feasible alternative location available on the site; and c. the facilities are located close to the outside edge of the buffer to the maximum extent practical. 56. Only allowed in: a.(1) a severe channel migration hazard area located outside of the shoreline((s)) jurisdiction area; (2) grazed or tilled wet meadow or wet meadow buffer; or (3) ((aquatic area buffer)) <u>grazed or tilled riparian area</u>; and only if: b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized; (2) there is ((not another)) <u>no other</u> feasible location available on the site that is located outside of the critical area or critical area buffer; (3) the farm pad, <u>livestock manure storage facility</u>, or <u>livestock heavy use area</u> is <u>designed</u> to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and (4) for proposals located in the severe channel migration hazard area, the farm pad, or <u>livestock manure storage facility</u>, or <u>livestock heavy use area</u> is located where it is least subject to risk from channel migration.						55 and 56 could be combined, or the language could be made consistent (55.b and 56.b.(2), 55.a. and 55.b.(3)). 55 could apply only to wetland and buffer, and 56 could apply only to aquatic area, riparian area, etc. 56.b.(3) should say <u>designed "and constructed"</u>
Construction of agricultural drainage		A 57	A 57	A 4, 57	4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all <u>best management practices</u> associated with the activities specified in the farm management plan are installed and maintained.	57 could use consistent wording with other conditions (55, 56, etc.) when referring to farm plans and BMPs. This existing code requires that all <u>BMPs</u> in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
Maintenance or replacement of agricultural drainage	A 23, 53, 54, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58	4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 23. Allowed as follows: a. if conducted in accordance with an approved forest management plan((;)) or farm management plan((; or rural stewardship plan)); or b. without an approved forest management plan((;)) or farm management plan((; or rural stewardship plan)), only if: (1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods; (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds; (3) the cleared area is revegetated with native vegetation or climate-smart plants and stabilized against erosion; and (4) herbicide use is in accordance with federal and state law((;)). 53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: a. the site is predominantly involved in the practice of ((agriculture)) agricultural activities; b. there is no expansion into an area that: (1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or (2) is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and d. all best management practices associated with the activities specified in the farm management plan are installed and maintained. 58. If the agricultural drainage is used by salmonids, maintenance shall ((be in compliance)) comply with an approved farm management plan in accordance with K.C.C. 21A.24.051.	53: As written, this condition appears to limit agricultural activities to only those established <i>after</i> January 1, 2005, not those in continuous existence <i>before</i>. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely). 54: The change from “agriculture”, to “agricultural activities” would expand the types of uses. It means that meaning sites with processing and warehousing but not necessarily growing crops or raising livestock are able to use this alteration allowance. Conditions 53 to 58 are difficult to follow as they cover overlapping scopes and provide different requirements. They could be rewritten to provide clarity and consistency. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
Maintenance of agricultural waterway	A 69	A 69	A 69		69. Only for maintenance of agricultural waterways if: a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture; b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife ((pursuant to)) in accordance with chapter 77.55 RCW; c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology; d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and e. the maintenance project complies with K.C.C. chapter 16.82.	The requirements for agricultural waterways are different than the requirements for agricultural drainage. Agricultural waterway: A segment of a modified type F, N or O aquatic area that drains land defined in RCW 84.34.020 as farm and agricultural land or as farm and agricultural conservation land. Agricultural drainage: any ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Construction or maintenance of farm field access drive	A 29	A 29	A 29	A 29	17. Allowed ((when)) for projects not performed under the direction of a government agency only if: a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((their)) associated buffers; and b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids: (1) the work ((is in compliance)) complies with ditch standards in public rule; and (2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet. 29. Allowed ((Θ)) only on sites currently involved in the practice of agricultural activities if: a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division; b. there is no other feasible location with less adverse impact on critical areas and associated buffers; c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual; d. access is located where it is least subject to risk from channel migration; e. a floodplain development permit is obtained for any action within	The substantive changes include: In the definition for farm field access drive: Limiting farm field access drives to include only those properties in the A zone, APD, or FPP and requiring the farm to be for commercial production. Non-commercial production farms and farms in the RA would be regulated as private driveways instead. Under current code, there is no definition. For construction of new farm field access drives: - Limited to sites "currently involved in the practice of agricultural activities" - Requires that there is no other feasible location with less impact; - Required to comply with the SWDM (this is already required, but is now called out here); - Required to locate where there is least risk of channel migration; - Requires a floodplain development permit if within the floodplain (this is already required, but is now called out here); and - Requires all other state and federal permits to be obtained (this is already required, but is now called out here).

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					the floodplain; and f. all other required state and federal permits have been obtained and actions comply with such permits.	Under the current code, all that is required is a farm management plan. For <u>maintenance</u> of farm field access drives: Under the current code, maintenance of a farm field access drive is treated the same as maintenance of driveways, private access roads, or parking lots, under 17. Those conditions prohibit the use of toxic substances, and when used by salmonids: complies with a ditch standard public rule, maintenance is limited to remove of sediment and stabilization or banks or channels. 29: As noted in the grading table, a grading permit is not required to construct a farm field access drive if constructed in compliance with a farm plan. Executive staff state “The King Conservation District (KCD) works with farmland owners/operators to understand management objectives and then creates a plan that supports those objectives while minimizing potential impacts to critical areas and critical area buffers. If plans will provide landowners/operators with certain benefits (e.g., regulatory flexibility, PBRS credit for agricultural land), the plans are reviewed and approved by DNRP. Implementation is generally KCD’s responsibility, but if the landowner/operator received cost-share support from DNRP, then DNRP ensures the practices were implemented as designed.” Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans. Council may wish to consider making the language in 29 consistent with the same type of conditions in 53 to 58. For example, this condition only requires there be agricultural activities on-site, while 53 and 54 require predominant use by agricultural activities. Council may want to include <u>expansion</u> of a farm field access drive.

	<u>Alluvial Fan Hazard Areas</u>	Wetland and Buffer	<u>Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas</u>	<u>Wildlife Habitat Conservation Areas and Wildlife Habitat Networks</u>	Conditions	Policy Staff Comments
						Council may want to include the maintenance conditions from 17 in 29, for maintenance activities. This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

Grading Exemptions

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic ₂ Volcanic and Tsunami Hazard Area	((~~Volcanic~~ Hazard))	((~~Steep Slope~~ Hazard and Buffer)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
Agriculture															
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP		
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP		
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		NP ((~~16~~)) 17	((~~NP~~ 16))		NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	17: requires a farm management plan. Council may wish to add a reference or align this standard with the requirements in K.C.C. 21A.24.045, which includes requirements such as preserving native vegetation and installation of best management practices for new or expanded activities. - A grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas.
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP~~ 15))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: - The King Conservation District; - King County department of natural resources and parks; - King County department of local services, permitting division; or - Washington state Department of Fish and Wildlife.	
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~NP~~ 26))	NP 26	NP 26	NP 26	NP 26	NP 26	26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the: - King Conservation District; - department of natural resources and parks; - department of local services, permitting division; or	

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((Volcanic Hazard))	((Steep Slope Hazard and Buffer))	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((Buffer)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
														d. Washington state Department of Fish and Wildlife.	
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP 15))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm <u>management</u> plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife.	
<u>Construction of farm field access drive</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>NP 16</u>	<u>16. Only on sites with agricultural activities uses if:</u> <u>a. consistent with an adopted farm <u>management</u> plan in accordance with K.C.C. Title 21A((-));</u> <u>b. constructed using <u>best management practices</u> approved by the permitting division;</u> <u>c. access is not greater than fourteen feet wide;</u> <u>d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers;</u> <u>e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual;</u> <u>f. located where it is least subject to risk from channel migration;</u> <u>g. a floodplain development permit is obtained for any action within the floodplain; and</u> <u>h. all other required state and federal permits have been obtained and actions comply with these permits.</u>	• Construction of a private drive on a non-agricultural property would require a clearing and grading permit, whereas a permit is not required for a farm field access drive. Allowing new livestock manure storage facilities and farm field access drives, without a clearing and grading permit, in a wetland, wetland buffer, aquatic area, or riparian area could potentially introduce pollutants, new impervious surface or pavement, or environmental degradation in these critical areas. Under Ecology’s guidance, agricultural uses are considered to be high impact.” As proposed, these uses would only be allowed when an alternate location is not available to provide less adverse impact. The code does not identify a minimum distance or buffer for these uses, meaning that these uses could be located closer to an aquatic area or riparian area than grazing area buffers would allow for grazing animals. Whether or to require a clearing and grading permit, establish a maximum size exemption threshold, allow these uses in certain critical areas, or limit what portion of a critical area they could be located, are policy choices. • <u>16:</u> This condition applies to when farm field access drives are not required to obtain a grading permit. The criteria for this condition are similar, but not identical, to the criteria for farm field access drives in K.C.C. 21A.24.045. These could be made consistent for clarity.

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((Volcanic Hazard))	((Steep Slope Hazard and Buffer)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((Buffer)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
															16: Not requiring a grading permit for constructing a farm field access drives is a policy choice. There are no limitations on impervious surface, length, or area of a farm field access drive in regards to a permit exemption. Plans are created and administered by KCD. DNRP reviews these plans when there are certain benefits (such as PBRS) are sought. Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans in order to receive this grading permit exemption. - Executive state that "a provision could be added to Note 16 saying that no permit is needed if the new construction is under 2,000 square feet in area." This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	

Other sections of code

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS			
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 13.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following: A. Filed IRS Schedule F for a minimum of three years; B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of “Commercial production of agriculture products.”	New definition of Commercial agriculture is proposed to be added to clarify which operations may receive certain allowances intended only for commercial operations (and not, for example, hobby farms). This definition formalizes existing internal guidance developed by DLS Permitting and the DNRP Agriculture and Forestry Team.	<i>Policy Analysis:</i> • This definition is only used once in the code as a method to provide additional context in another definition, “agricultural activities”. • The Council purposely did not define this term in 2017 when the agriculture code was reviewed and updated. It is unclear whether this internal guidance is consistent with that intent. • It is a policy choice whether to narrow the scope of commercial agriculture in this way. • It would also be out of scope of this ordinance if it is not related to a critical area regulation. <i>Executive staff state:</i> In 2017, Ordinance 18626 updated definitions for Agricultural Activities to include a reference to commercial production. Additionally, there are existing code flexibilities and special dispensations for agriculture uses and activities, such as the sizing of accessory structures (K.C.C. 16.02.240) and reduced permit fees (K.C.C. 27.02.055), that were intended for commercial farming and not hobby farms. In order to consistently identify commercial agriculture activities that qualify for code flexibility and special dispensation, Permitting and DNRP staff identified the need to establish criteria for what constitutes commercial production of agricultural products. Internal guidance was developed in 2021. For the purpose of regulating agricultural activities in the CAO, the proposed addition of a definition in Section 13 for commercial production codifies the internal criteria that have been used in practice since that time. Codifying this definition enhances transparency, aligns with

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			current practice, and ensures consistent implementation. Adding the definition to other titles is not proposed at this time, as that would be out of scope for this ordinance.
K.C.C. 21A.06.451 - Defines “Farm field access drive” <u>SECTION 19.</u> Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows: Farm field access drive: a((~~h~~)) <u>paved or</u> impervious ((~~surface constructed to provide a fixed~~)) route <u>or path used</u> for moving livestock, produce, equipment, or supplies to and from farm fields, and <u>farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.</u>	Updates definition to describe more specifically what a farm field drive access is.	The definition is proposed to be updated to align with BAS and intends to reduce risk of unmitigated riparian area impacts by limiting what and where a farm field access drive is.	<i>Policy Analysis:</i> • The restriction on where farm field access drives can be located (properties within an APD, enrolled in the FPP, or zoned A) is a regulation, rather than what defines a farm field access drive. As proposed, any path that would otherwise meet this definition but is outside of the APD, not enrolled in the FPP, or not zoned A would not be defined or may fall under another term. Council may wish to move the regulation into the standards section. Q: What is the policy goal behind changes to the farm field access drive regulations? Exec staff state: The goal of these proposed changes is to continue to recognize and support a pathway for streamlined regulations for farm field access drives to support commercial agriculture while clarifying limitations and conditions that apply, reducing risk of unmitigated impacts, and preventing conflicts with other regulatory standards (e.g., flood code, stormwater code). Q: Under the Executive’s rationale under K.C.C. 21A.24.045, the description says: “(4) Farm field access drive conditions are proposed to be updated as part of Riparian BAS review to reduce ambiguity about where this condition applies as well as how/when the County allows an unmitigated impact to riparian areas and other critical areas.” Can you describe the

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			existing ambiguity about where the condition applies? Exec staff state: Current condition 29 in K.C.C. 21A.24.045 (and related condition 16 in K.C.C. 16.82.051 which exempts farm field access drives from the requirement for a clearing and grading permit), only require consistency with an adopted Farm Management Plan and do not differentiate between commercial agriculture and hobby farms. Excepting construction of farm field access drives from a clearing and grading permit without conditions on size, location, and BMPs creates uncertainty and potential risk of unmitigated impact critical area functions and values. Additionally, the lack of cross references to other potentially applicable regulations (e.g., flood code, stormwater code) creates potential for other regulatory non-compliance issues. Amending Condition 29 to provide greater specificity on the conditions for construction farm field access drives helps to ensure no net loss of critical areas functions and values, as required by WAC 365.196.830. Q: What is the intent behind restricting the definition of farm field access drives to only farms in the APD, A zone, or FPP? Is the goal to prohibit farm field access drives anywhere else in the county that isn't a APD, FPP, or A zone farm? Or was the intent to classify this use as a driveway anywhere else in the county? Put another way, if a paved path is used to move farm products is on a farm in the RA zone, what would they fall under? Exec staff state: The intent was to restrict the use of this condition in the code to the A zoned areas, APD, and FPP. Note that

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
			critterion e in condition 16 refers to the requirement within the King County Surface Water Design Manual for farmland dispersion, which only applies within A zoning, APD, or FPP properties outside of the APD. Access roads in RA zoned areas would need to follow the road/driveway development standards associated with that development.
K.C.C. 21A.06.XXX - New Section <u>NEW SECTION. SECTION 23.</u> There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which grazing livestock are excluded.	Adds definition for “grazing area buffer.”	The existing K.C.C. uses the word “buffer” ambiguously, sometimes meaning critical area buffers, sometimes meaning grazing area buffers. This definition is proposed to be added to define grazing area buffers. Additionally, code standards are proposed to be clarified to say which apply to critical area buffers or riparian areas and which apply to grazing areas.	<i>Policy Analysis:</i> • Please refer to the analysis for K.C.C. 21A.24.051 and K.C.C. 21A.30 for standards related to grazing area buffers. No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE 21A.06.700 Livestock, large. Livestock, large: cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 10870 § 180, 1993). 21A.06.705 Livestock, small. Livestock, small: hogs, excluding pigs weighing under 120 lbs. and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 10870 § 181, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	<i>Section Notes:</i> • This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
21A.06.707 Livestock heavy use area. Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health. (Ord. 17539 § 21, 2013). 21A.06.708 Livestock manure storage facility. Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality. (Ord. 17539 § 22, 2013).			
21A.24.051 Agricultural activities development standards. <u>SECTION 42.</u> Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows: A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ~~((the buffers of))~~ wetland~~((s))~~ <u>buffers, ((aquatic areas)) riparian areas,</u> and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30. B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan. C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage. D. <u>The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.</u> A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority: 1. To maintain the productive agricultural land base and economic viability of agriculture on the site; 2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner; 3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site; 4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and 5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan. E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall: 1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program; 2. Consider the priorities of the King County shoreline protection and restoration plan; and 3. Ensure no net loss of shoreline ecological functions <u>and critical area functional and values.</u> F. ~~((The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.))~~ The plan shall include, but is not limited to, the following elements: 1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site; 2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ~~((their))~~ <u>associated</u> buffers, and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages; 3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading; 4. A plan for implementation of performance standards and best management practices; 5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ~~((their))~~ <u>associated</u> buffers ~~((and to modify)).~~	Technical changes regarding alterations and/or expansion within critical areas for agricultural activity uses with an approved farm management plan.	Changes to remove redundancy, improve clarity, and make consistent use of current terminology. Reorders existing content for more logical flow. Existing intent is retained.	<i>Section Notes:</i> • Farm management plans are required to be consistent with this section. Where livestock is farmed, farm management plans must also be consistent with K.C.C. 21A.30.045. • Farm management plans are created by the King Conservation District (KCD) and farm operators to meet individual farm management objectives and minimize impacts to critical areas. If the plans provide certain benefits, such as regulatory flexibility or PBRS credit, they are reviewed and approved by DNRP. <i>Policy Analysis:</i> • The County has a public rule dating to 2005. The BAS report recommends an update to this public rule to clarify the review and approval process, ensure use of the most current best management practices, and support application of a monitoring and adaptive management framework. The BAS report indicates that the Executive plans to update the rule following the adoption of this proposed ordinance. Whether to defer the requirements of a Farm Plan to a public rule process, rather than adopted through ordinance adopted by the Council, is a policy choice. Whether to have KCD, a separate government from the County, implement and enforce the plans, is also a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																																
<u>Modification to the farm management plan should occur</u> if adverse impacts ~~((see))~~ are identified. G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240. H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ~~((which may be through a program offered or approved by King County,))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section. I. ~~((Once approved, a))~~ Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ~~((the department of local 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.																																			
K.C.C. 21A.30.045 - Farm management plan requirements. <u>SECTION 83.</u> Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows: A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria: 1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060; 2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to: a. livestock watering; b. grazing and pasture management; c. confinement area management; d. manure management; and e. ~~exclusion of animals from aquatic areas ((and their buffers)), riparian areas, and wetlands and ((their)) associated buffers with the exception of grazed wet meadows.~~ 3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and 4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ~~((salmonid fisheries))~~ <u>fish</u> habitat. Monitoring results shall be available to the King County agriculture program. B. The livestock management component of a farm management plan shall, at a minimum: 1. ~~((Generally s))~~ Seek to achieve a ((twenty-five foot buffer of)): forty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows~~((, using buffer averaging where necessary to accommodate existing structures)); thirty-five-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows.~~ The livestock management component of a farm management plan((s)) may vary the width of the <u>grazing area</u> buffer ~~((of an aquatic area or wetland))~~, and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different <u>grazing area</u> buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ~~((N or))~~ O waters. ~~((Forested lands being cleared))~~ <u>Clearing of lands</u> for grazing ~~((areas))~~ shall comply with the <u>riparian area widths and critical area buffers and all applicable regulations</u> in K.C.C. chapter 21A.24; 2. ~~((Assure))~~ <u>Ensure</u> that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands; 3. Achieve an additional twenty~~((-foot buffer))~~ <u>feet of diverse, mature vegetation</u> downslope of any confinement areas within two hundred	(1) Changes references to "aquatic area buffers" to "riparian areas." (2) Changes term "salmonid" to "fish." (3) Updates standards for grazing area buffer including diverse, mature vegetation for type S and F aquatic areas category I, II, or III wetlands except grazed wet meadows from 25 feet or 40 feet, which can be modified by the livestock	(1) Amendments are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Amendments are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just	<i>Section Notes:</i> - This section addresses the livestock management component of a farm management plan. <i>Policy Analysis:</i> Wetland buffers and riparian areas could be added to this subsection, as these are also areas that should be protected and are addressed in Subsection A.2.e. Animals are allowed to graze in these critical areas outside of the grazing area buffer. Council may wish to clarify this by including “except as otherwise allowed under this title”. The grazing area buffers (the minimum distance between a critical area and a grazing area) are proposed to increase between 15 and 50 feet for most areas, depending on the type or category of wetland or aquatic area and whether a farm management plan (FMP) is provided. The table below shows a simplified summary of the major changes. <table><tr><th>Type</th><th>FMP</th><th>Existing</th><th>Proposed</th></tr><tr><td colspan="4">RIPARIAN AREA</td></tr><tr><td>S or F</td><td>Yes</td><td>25 ft</td><td>40 ft</td></tr><tr><td>S or F</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>N</td><td>Yes</td><td>0 ft</td><td>35 ft</td></tr><tr><td>N</td><td>No</td><td>0 ft</td><td>50 ft</td></tr><tr><td>O</td><td>Y/N</td><td>0 ft</td><td>0 ft</td></tr><tr><td colspan="4">WETLAND BUFFER</td></tr></table>	Type	FMP	Existing	Proposed	RIPARIAN AREA				S or F	Yes	25 ft	40 ft	S or F	No	50 ft	50 ft	N	Yes	0 ft	35 ft	N	No	0 ft	50 ft	O	Y/N	0 ft	0 ft	WETLAND BUFFER			
Type	FMP	Existing	Proposed																																
RIPARIAN AREA																																			
S or F	Yes	25 ft	40 ft																																
S or F	No	50 ft	50 ft																																
N	Yes	0 ft	35 ft																																
N	No	0 ft	50 ft																																
O	Y/N	0 ft	0 ft																																
WETLAND BUFFER																																			

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments																				
feet of type S((and)), F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if: a. a minimum buffer of ((twenty five)) forty feet of diverse, mature vegetation is achieved; b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and 4. Include a schedule for implementation. C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan. D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion. E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035. <u>F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.</u>	managemen t component of a farm managemen t plan. (4) Updates the term "buffer" to "grazing area buffer." (5) Adds a standard for grazing area buffers including diverse, mature vegetation of 35 feet for type N aquatic areas, which can be modified by the livestock managemen t component of a farm managemen t plan. (6) Adds a standard for grazing area buffers including diverse, mature vegetation of 20 feet for category IV wetlands other than grazed wet meadows,	salmonids. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) – (6) Increased grazing area buffer width provides greater protection of wetland buffer and riparian area functions while limiting the reduction of the amount of farmable lands. (7) Clarifies when the proposed standards in this section would apply.	<table><tr><td>I, II, or III</td><td>Yes</td><td>25 ft</td><td>50 ft</td></tr><tr><td>I, II, or III</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>IV</td><td>Yes</td><td>0 ft</td><td>20 ft</td></tr><tr><td>IV</td><td>No</td><td>0 ft</td><td>25 ft</td></tr></table>	I, II, or III	Yes	25 ft	50 ft	I, II, or III	No	50 ft	50 ft	IV	Yes	0 ft	20 ft	IV	No	0 ft	25 ft				
			I, II, or III	Yes	25 ft	50 ft																	
			I, II, or III	No	50 ft	50 ft																	
			IV	Yes	0 ft	20 ft																	
			IV	No	0 ft	25 ft																	
Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice.																							
The code identifies buffers as a goal, where plans should “seek to achieve” these buffers. Executive staff indicate that the changes “clarify the minimum benchmark to be applied to riparian areas.” The language is intended to reflect that the King Conservation District and the landowner develop the plan, they are tailored to the site, the County cannot require restoration for past development impacts, and mature vegetation may take substantial effort to achieve. As proposed, this language would not require a minimum buffer, and instead establish a target that could be lower or higher than the widths identified. This is not described in the BAS report in this manner; instead the BAS report treats																							

Code	Executive’s Proposed Change	Executive’s Intent/Rationale	Policy Staff Comments
	which can be modified by the livestock management component of a farm management plan. (7) Adds provision stating that properties operating subject to an existing livestock management farm plan have met the standards in this section.		them as a minimum requirement. • It may be clearer to add back in language that the 20 feet is a buffer that is <i>in addition</i> to the existing grazing area buffer. • Council may wish to add a definition or more criteria for farm management plans, as they are not defined in the Code today. This existing code requires that BMPs for confinement recommended by KCD be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowance would not apply to most farm plans.
K.C.C. 21A.30.060 - Animal regulations – Livestock management standards. <u>SECTION 84.</u> Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows: Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a ~~((an))~~ livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards. A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options: 1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply. 2. Livestock access to type S ~~((and))~~, F, and N waters ~~((, including their buffers))~~ and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas. a. Fencing shall be used as necessary to prevent livestock access to type S ~~((and))~~, F, and N waters. b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits. B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative buffer of fifty feet))~~ fifty-foot-wide grazing area buffer from the ~~((wetland))~~ edge of a category I, II ~~((or))~~, III, or IV wetland, except those wetlands meeting the definition of grazed wet meadows, or the ordinary high water mark of a type S ~~((or))~~, F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a category IV	(1) Adds type N waters to aquatic area types to which livestock access standards apply. (2) Adds category IV wetlands to the wetland categories to which grazing area buffer standards apply. (3) Updates the term	(1) Type N waters flow into fish bearing streams and are proposed to be added to provide greater protection of riparian area functions while limiting the reduction of the amount of farmable land. (2) Category IV wetlands should be protected similarly to other wetland types from the	<i>Section Notes:</i> • This section addresses livestock on farms without a farm management plan. <i>Policy Analysis:</i> • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County’s BAS. The BAS report states: “King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections” (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that “King County employs a broad array of nonregulatory measures to protect critical

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
~~wetland except those wetlands meeting the definition of grazed wet meadows.~~ 2. ~~((Forested 1))~~Lands being cleared for grazing areas shall comply with <u>the riparian area widths and</u> critical area buffers <u>and the associated regulations</u> in K.C.C. chapter 21A.24. 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. <u>This buffer reduction may not be used when ((forested)) lands are being cleared for grazing areas.</u> 4. Fencing shall be used to establish and maintain the <u>grazing area</u> buffer unless the buffer is otherwise impenetrable to livestock. 5. Fencing installed in accordance with the ~~((1990 Sensitive Area Ordinance before February 14, 1994))~~ <u>standards in effect before January 1, 2005</u>, at setbacks other than those specified in subsection B.~~((1- and 2-))~~ of this section shall be deemed to constitute compliance with those requirements. 6. Grazing areas within two hundred feet of a type S~~((or))~~, F, <u>or N</u> water or category I, II~~((or))~~, III, <u>or IV</u> wetland shall not be plowed during the rainy season from October 1 through April 30. 7. Grazing areas may extend to the property line, provided that type S~~((or))~~, F, <u>or N</u> waters and category I, II~~((and))~~, III, <u>or IV</u> wetlands <u>that are located</u> adjacent to the property line are ~~((buffered))~~ <u>protected</u> in accordance with subsection B.1., 2., or 3. of this section. C.1. In addition to the buffers in subsection B.~~((1- and 2-))~~ of this section, confinement areas located within two hundred feet of any type S~~((or))~~, F, <u>or N</u> waters or category I, II~~((or))~~, III, <u>or IV</u> wetlands with the exception of grazed wet meadows shall: a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover; b. not be located in ~~((the buffer of))~~ <u>a riparian area adjacent to</u> any type S~~((or))~~, F, <u>or N</u> water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II~~((or))~~, III, <u>or IV</u> wetland or the ordinary high water mark of any type S~~((or))~~, F, <u>or N</u> water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer~~((Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified))~~; and c. have roof drains of any buildings in the confinement area diverted away from the confinement area. 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~ subsection C. of this section. D.1. Manure storage areas shall be managed as follows: a. Surface flows and roof runoff shall be diverted away from manure storage areas; b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ~~((or))~~, F, <u>or N</u> water or the edge of a category I, II~~((or))~~, III, <u>or IV</u> wetland 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; c. Manure shall not be stored in any ~~((aquatic area buffer))~~ <u>riparian area</u> 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. Manure piles shall not be closer than one hundred feet uphill from: (1) any wetland edge excluding grazed or tilled wet meadows; (2) the ordinary high water mark of any aquatic area; or (3) any ditch to which the topography would generally direct runoff from the manure; and d. 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. E. For purposes of this section, "buffer maintenance" means allowing vegetation in the <u>grazing area</u> buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.	"vegetative buffer" to "grazing area buffer." (4) Clarifies that properties with existing fencing installed at distances other than those specified in this section for which livestock management farm plans have been developed are considered compliant if approved fencing is present for all type S and F aquatic areas.	impacts of livestock due to their importance for wildlife and water quality, although they are proposed to have a smaller grazing area buffer than the other categories. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) Establishes when the proposed standards in this section would apply.	areas and reduce risk to critical area functions and values” (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice. • “Existing grazing areas not addressed by K.C.C. chapter 21A.24” is intended to cover those areas without a farm plan. Council may wish to clarify this. • The proposed ordinance includes <u>two grazing area buffer widths for Category IV wetlands</u>. Executive staff indicate that the 25-foot grazing area buffer was intended. Council may wish to clarify the buffer width for a Category IV wetland. • <u>Grazed wet meadows</u> would not be subject to a grazing area buffer, which is a policy choice. Grazed wet meadows are defined as “an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities. “ Executive staff state that standard buffers and regulations from K.C.C. Chapter 21A.24 apply if any other alterations are proposed. • This <u>existing provision would allow buffers to be reduced to 25 feet</u> if “diverse, mature vegetation already exists” on properties without a farm management plan. This buffer would be lower than the buffers identified for properties with a farm management plan, meaning that the provisions would disincentivize property owners from obtaining a farm management plan. This provision could be removed to be consistent with the increased buffers proposed. Executive state they support removing this provision.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
F. Properties ~~((that have))~~ <u>with</u> existing fencing ~~((already))~~ installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards~~((: Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005))~~, <u>provided approved fencing is present for all type S and F aquatic areas</u>. G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.			It is unclear how these provisions would be applied within the shoreline jurisdiction. Council may wish to consider how address these standards in the shoreline jurisdiction.