

Date Created:	<b>6/12/24</b>
Drafted by:	<b>Lundgren - DLS</b>
Sponsors:	
Attachments:	<b>A. Critical Areas Comprehensive Plan Updates</b>

1 ..Title

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

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

45 Ordinance 10870, Section 476, as amended, and K.C.C.  
46 21A.24.290, Ordinance 10870, Section 478, as amended,  
47 and K.C.C. 21A.24.310, Ordinance 11481, Section 2, as  
48 amended, and K.C.C. 21A.24.311, Ordinance 15051,  
49 Section 173, as amended, and K.C.C. 21A.24.312,  
50 Ordinance 15051, Section 174, as amended, and K.C.C.  
51 21A.24.313, Ordinance 15051, Section 179, as amended,  
52 and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as  
53 amended, and K.C.C. 21A.24.318, Ordinance 15051,  
54 Section 185, as amended, and K.C.C. 21A.24.325,  
55 Ordinance 15051, Section 187, as amended, and K.C.C.  
56 21A.24.335, Ordinance 10870, Section 481, as amended,  
57 and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as  
58 amended, and K.C.C. 21A.24.355, Ordinance 15051,  
59 Section 193, as amended, and K.C.C. 21A.24.358,  
60 Ordinance 15051, Section 195, as amended, and K.C.C.  
61 21A.24.365, Ordinance 10870, Section 485, as amended,  
62 and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as  
63 amended, and K.C.C. 21A.24.382, Ordinance 15051,  
64 Section 204, and K.C.C. 21A.24.388, Ordinance 16958,  
65 Section 31, as amended, and K.C.C. 21A.25.100,  
66 Ordinance 16985, Section 32, as amended, and K.C.C.  
67 21A.25.110, Ordinance 3688, Section 415, as amended,

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

88 ..Body

89 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

90 SECTION 1. Findings:

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

98           B. King County completed its statutorily required comprehensive plan update in  
99 December 2024 via Ordinance XXXX (Proposed Ordinance 2023-0440). Under the  
100 reasonable progress exception in RCW 36.70.130(7)(b), the county has until December  
101 2025 to complete the associated updates to critical areas regulations.

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

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

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

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

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

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

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

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

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

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

151            C. Clearing and grading permit requirement exemptions shall be interpreted as  
152 follows:

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

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

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

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

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

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

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

170 D. Clearing and grading permit requirement exemptions.

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network. and Buffer	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 Buff	Seis mic, Vol cani c, and Tsu nam i Haz ard	((V olea nie Haz ard) ) and Tsu nam i Haz ard	((Ste ep e Haz ard and Buff er)) Allu vial	Criti cal Aqui fer Rech arge Area	Wet land and Buff er	Aqu atic Are a and Buff er ( <del>Bu er</del> ) Wild life Ripa rian Are Area	((Wil dlife Area and Buff er)) Wild life Habit at Area
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						er	<u>Are</u> a		<u>Fan</u> <u>Haz</u> <u>ard</u> <u>Area</u>			a	<u>and</u> <u>Wild</u> <u>life</u> <u>Habit</u> <u>at</u> <u>Netw</u> <u>ork</u>
<b>ACTIVITY</b>													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((N P 3))		NP 3	NP 4 ((N P 23) )	NP 4 ((N P 23) )	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((N P 5))	NP 5	NP 5	NP 5	NP 5	NP 5

Emergency tree removal	NP	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> 6))	NP	NP	NP	NP	NP
		6	6	6	6	6	6	6	₱ 6	6	6	6	6	6
Hazard tree removal	NP	NP	NP	NP			NP	NP	(( <del>₱</del> 25))	NP				
	25	25	25	25			25	25	₱ 25	25				
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> 7))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP	NP	NP	NP	NP		NP	NP	(( <del>₱</del> 7))	<u>NP</u>	NP	NP	NP	NP
	7	7	7	7	7		7	7	₱ 7	<u>8</u>	7	8	8	8
Forest management activity	NP	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> 9))	NP	NP	NP	NP	NP
	9	9	9	9	9	9	9	9	₱ 9	9	9	9	9	9
Emergency action	NP	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> 10))	NP	NP	NP	NP	NP
	10	10	10	10	10	10	10	10	₱ 10	10	10	10	10	10
<b>Roads</b>														
Grading within the roadway	NP	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> 11))	(( <del>₱</del> 11))	NP			NP
	11	11	11	11	11	11	11	11	₱ 11	₱ 11	11			11

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

	17)	17)	17)	17)	17)	17)	17)	17)	17)	17)	17)	17)	17)
	)	)	)	)	)	)	)	)	)	)	)	)	)
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	(( <del>N</del> P 19)	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 NP 28		NP 1, 2, 3				NP 1, 2, 3	(( <del>N</del> P 1, 2, 3))		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	(( <del>N</del> P 11)	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	(( <del>N</del> P 11)	NP 11	NP 11	NP 11	NP 11	NP 11

quality treatment facility													
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	(( <del>₱</del> ₱ 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	(( <del>₱</del> ₱))	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	(( <del>₱</del> ₱ 13) )	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat <del>(restoration)</del> creation or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	(( <del>₱</del> ₱ 21) )	NP 21	NP	NP 21	NP 21	NP 21



agricultural drainage								<del>15</del> )					
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	(( <del>₱</del> 26) )	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	(( <del>₱</del> 15) )	NP 15	NP 15	NP 15	NP 15	NP 15
<u>Construction of farm field access drive</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>
<u>Maintenance of farm field access drive</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>
<b>Other</b>													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> ₱))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	(( <del>₱</del> ₱))	NP 13	NP	NP 13	NP 13	NP 13

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

171 E. The following conditions apply:

172 1. Excavation less than five feet in vertical depth((~~7~~)) or fill less than three feet  
173 in vertical depth that, cumulatively on a single site since January 1, 2005, does not  
174 involve more than one hundred cubic yards on a single site.

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

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

- 184 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 185 b. in a critical drainage areas established by administrative rules;



- 186 c. subject to clearing limits included in property-specific development  
187 standards and special district overlays under K.C.C. chapter 21A.38; or
- 188 d. subject to urban growth area significant tree retention standards under  
189 K.C.C. 16.82.156 and K.C.C. Title 21A.
- 190 4. Not allowed within a wetland, aquatic area, or a tree containing an active  
191 nest. Otherwise, allowed for ((€))cutting firewood for personal use in accordance with a  
192 forest management plan (~~((or rural stewardship plan))~~) approved under K.C.C. Title 21A.  
193 For the purpose of this condition, personal use shall not include the sale or other  
194 commercial use of the firewood.
- 195 5. Limited to material at any solid waste facility operated by King County.
- 196 6. Allowed to prevent imminent danger to persons or structures.
- 197 7. Cumulative clearing of less than seven thousand square feet annually or  
198 conducted in accordance with an approved farm management plan(~~(;))~~ or forest  
199 management plan(~~(; or rural stewardship plan))~~).
- 200 8. Cumulative clearing on a single site since January 1, 2005, of less than seven  
201 thousand square feet and either:
- 202 a. conducted in accordance with a farm management plan(~~(;))~~ or a forest  
203 management plan(~~(; or a rural stewardship plan))~~); or
- 204 b. limited to removal with hand labor.
- 205 9. When conducted as a Class I, II, III<sub>2</sub> or IV-S forest practice as defined in  
206 chapter 76.09 RCW and Title 222 WAC.
- 207 10. If done in compliance with K.C.C. 16.82.065.

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

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

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

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

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

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

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

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

228           14. If a culvert is used by ~~((salmonids))~~ fish or conveys water used by  
229 ~~((salmonids))~~ fish and there is no adopted farm management plan, the maintenance is  
230 limited to removal of sediment and debris from the culvert and ~~((its))~~ associated inlet,

231 invert, and outlet and the stabilization of the area within three feet of the culvert where  
232 the maintenance disturbed or damaged the bank or bed and does not involve the  
233 excavation of a new sediment trap adjacent to the inlet.

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

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

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

- 242 a. consistent with an adopted farm management plan in accordance with  
243 K.C.C. Title 21A((~~7~~));
- 244 b. constructed using best management practices approved by the permitting  
245 division;
- 246 c. access is not greater than fourteen feet wide;
- 247 d. an alternate location is not available to provide less adverse impact on  
248 critical areas and associated buffers;
- 249 e. in compliance with the requirements for farmland dispersion within the King  
250 County Surface Water Design Manual;
- 251 f. located where it is least subject to risk from channel migration;
- 252 g. a floodplain development permit is obtained for any action within the  
253 floodplain; and

254 h. all other required state and federal permits have been obtained and actions  
255 comply with these permits.

256 17. Only if consistent with an adopted farm management plan in compliance  
257 with K.C.C. Title 21A.

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

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

261 20. When:

262 a. conducted by a public agency;

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

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

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

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

267 f. done in accordance with the adopted King County Flood Management Plan  
268 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat  
269 Guidelines Program, 2002); and

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

272 21. Only if:

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

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

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

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

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

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

287           (3) hand labor except:

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

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

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

295           23. Limited to tree and vegetation clearing for the purposes of wildfire  
296 preparedness, except tree and vegetation clearing subject to K.C.C. 16.82.156<sub>2</sub>, ((~~or~~))  
297 K.C.C. Title 21A<sub>2</sub>, or otherwise requiring a permit, including, but not limited to,  
298 alterations within critical areas, as follows:

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

301           (1) vegetation removal:

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

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

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

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

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

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

312           (c) eighteen feet between tree crowns; and

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

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

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

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

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

330           24. Limited to the removal of downed trees.

331           25. Except on properties that are:

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

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

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

338           a. King Conservation District;

339           b. department of natural resources and parks;

340           c. department of local services, permitting division; or

341           d. Washington state Department of Fish and Wildlife.

342           27. Pruning of trees to provide up to ten feet of clearance from overhead  
343 communication cables and electrical wire components of utility facilities, if:

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

345           b. authorized by a right-of-way construction permit;

346           c. pruning activities around overhead electrical facilities do not extend fifteen

347 feet beyond the right-of-way; and

348           d. any work is approved by the property owner.

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

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

351 16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows:

352           a. Up to thirty feet measured horizontally from the utility facility structure, the

353 following is allowed:

354           (1) vegetation removal:

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

356 and

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

358 ground to remove ladder fuels;

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

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

361 pruning does not exceed one-third of tree height;

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

363           (c) eighteen feet between tree crowns; and

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

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

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



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

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

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

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

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

383           1. The King County Comprehensive Plan chapter six;

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

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

386           a. K.C.C. 21A.24.045;

387           b. K.C.C. 21A.24.051;

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

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

390 ((e-)) d. K.C.C. 21A.24.125;  
391 ((f-)) e. K.C.C. 21A.24.130;  
392 ((g-)) f. K.C.C. 21A.24.133;  
393 ((h-)) g. K.C.C. 21A.24.200;  
394 ((i-)) h. K.C.C. 21A.24.210;  
395 ((j-)) i. K.C.C. 21A.24.220;  
396 ((k-)) j. K.C.C. 21A.24.275;  
397 ((l-)) k. K.C.C. 21A.24.280;  
398 ((m-)) l. K.C.C. 21A.24.290;  
399 ((n-)) m. K.C.C. 21A.24.300;  
400 ((o-)) n. K.C.C. 21A.24.310;  
401 ((p-)) o. K.C.C. 21A.24.316;  
402 ((q-)) p. K.C.C. 21A.24.318;  
403 ((r-)) q. K.C.C. 21A.24.325;  
404 ((s-)) r. K.C.C. 21A.24.335;  
405 ((t-)) s. K.C.C. 21A.24.340;  
406 ((u-)) t. K.C.C. 21A.24.355;  
407 ((v-)) u. K.C.C. 21A.24.358;  
408 ((w-)) v. K.C.C. 21A.24.365;  
409 ((x-)) w. K.C.C. 21A.24.380;  
410 ((y-)) x. K.C.C. 21A.24.382;  
411 ((z-)) y. K.C.C. 21A.24.386; and  
412 ((aa-)) z. K.C.C. 21A.24.388;

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

423 5. The 2024 King County Flood Management Plan.

424 B. The shoreline management goals and policies constitute the official policy of  
425 King County regarding areas of the county subject to shoreline jurisdiction under chapter  
426 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local  
427 administrative, enforcement, and permit review procedures shall conform to chapter  
428 90.58 RCW but shall not be a part of the shoreline master program.

429 C. Amendments to the shoreline master program do not apply to the shoreline  
430 jurisdiction until approved by the Washington state Department of Ecology as provided  
431 in RCW 90.58.090. The department of local services, permitting division, shall, within  
432 ten days after the date of the Department of Ecology's approval, file a copy of the  
433 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the  
434 council, who shall retain the original and provide electronic copies to all

435 councilmembers, the chief of staff, and the lead staff of the local services and land use  
436 committee, or its successor.

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

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

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

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

448 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage"  
449 means land in private ownership through which the owner agrees to allow public passage  
450 for active transportation, as defined in K.C.C. 14.01.xxx (~~(((the new section created by)))~~)  
451 Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s))Section 21 (~~(of this~~  
452 ~~ordinance)))~~), for the purpose of providing a connection between trails within the county's  
453 regional trails system and local or regional attractions or points of interest, for trail users  
454 including equestrians, pedestrians, bicyclists, and other users. "Local or regional  
455 attractions or points of interest" include other trails, parks, waterways, or other  
456 recreational and open space attractions, retail centers, arts and cultural facilities,  
457 transportation facilities, residential concentrations, or similar destinations. The linkage

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

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

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

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

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

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

498 b. The ecological enhancement project shall include removing significant  
499 human-made structures, alterations, or impediments such as shoreline armoring, roads,  
500 culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat.

501 The intent of the removal shall be to reestablish natural function or processes to the  
502 project area;

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

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

515 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-  
516 pedestrian-bicycle trail linkage" means land in private ownership that the property owner  
517 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other  
518 active transportation, as defined in K.C.C. 14.01.xxx ~~(((the new section created by))~~  
519 Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s))Section 21 ~~((of this~~  
520 ~~ordinance)))~~, uses, or that provides a trail link from a public right-of-way to a trail  
521 system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for  
522 this category, except for maintenance or for medical, public safety, or police  
523 emergencies. Public access is required only on that portion of the property containing the  
524 trail. The landowner may impose reasonable restrictions on access that are mutually  
525 agreed to by the landowner and the department, such as limiting use to daylight hours.

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

538           6. Farm and agricultural conservation land - five points. "Farm and agricultural  
539 conservation land" means land previously classified as farm and agricultural land under  
540 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or  
541 traditional farmland not classified under chapter 84.34 RCW that has not been  
542 irrevocably devoted to a use inconsistent with agricultural uses and has a high potential  
543 for returning to commercial agriculture. The property shall be used for farm and  
544 agricultural activities or have a high probability of returning to agriculture and the  
545 property owner shall commit to returning the property to farm or agricultural activities by  
546 implementing a farm management plan. An applicant shall have an approved farm  
547 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the  
548 department and that is being implemented according to its proposed schedule of activities



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

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

563 8. Historic landmark or archeological site: buffer to a designated site - three  
564 points. "Historic landmark or archaeological site: buffer to a designated site" means  
565 property adjacent to land constituting or containing a designated county or local historic  
566 landmark or archeological site, as determined by King County's historic preservation  
567 officer or by a manager of a certified local government program in the jurisdiction in  
568 which the property is located. A property shall have a plant community in which native  
569 plants are dominant and provide a significant buffer for a designated landmark or  
570 archaeological site listed on the county or other certified local government list or register  
571 of historic places or landmarks. "Significant buffer" means land and plant communities

572 that provide physical, visual, noise, or other barriers and separation from adverse effects  
573 to the historic resources due to adjacent land use;

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

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

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

589 "Historic landmark or archaeological site: eligible site" means land that constitutes or  
590 contains a historic property that has the potential of being designated by a certified local  
591 government jurisdiction, including buildings, structures, districts, or sites of significance  
592 in the county's historic or prehistoric heritage, such as Native American settlements,  
593 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric  
594 and historic archaeological sites, or traditional cultural properties. To be eligible, the

595 historic preservation officer of King County or other certified local government program  
596 in the jurisdiction in which the property is located shall determine the property meets the  
597 jurisdiction's criteria for designation and listing on the county or other local register of  
598 historic places or landmarks for which there is local regulatory protection. Eligible  
599 property may include contributing property within designated historic districts. Property  
600 listed in the state or national Registers of Historic Places may qualify under this category;

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

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

- 614           a. has a plant community in which native plants are dominant; or
- 615           b. is former open farmland, woodlots, scrublands, or other lands that are in the  
616 process of being replanted with native vegetation and for which the property owner is  
617 implementing an approved farm management, ecological enhancement, forest

618 stewardship, (~~rural stewardship,~~) or resource restoration plan acceptable to the  
619 department;

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

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

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

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

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

655           ((~~15.~~) 14. Significant plant or ecological site - five points. "Significant plant or  
656 ecological site" means an area that meets the criteria for Element Occurrence established  
657 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An  
658 Element Occurrence is a particular, on-the-ground observation of a rare species or  
659 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington  
660 Natural Heritage Program or be identified as a property that meets the criteria for an  
661 Element Occurrence. The identification shall be confirmed by a qualified expert  
662 acceptable to the department. The department shall notify the Washington Natural

663 Heritage Program of any verified Element Occurrence on an enrolling property.

664 Commercial nurseries, arboretums, or other maintained garden sites with native or

665 nonnative plantings are ineligible for this category;

666 ~~((16-))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

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

668 (1) an area used by animal species listed as endangered, threatened, sensitive,

669 or candidate by the Washington state Department of Fish and Wildlife or Department of

670 Natural Resources or used by species of local ~~((significance))~~ importance that are listed

671 by the King County Comprehensive Plan or a local jurisdiction;

672 (2) an area where the species listed in subsection C.~~((16-))~~15a.(1) of this

673 section are potentially found with sufficient frequency for critical ecological processes,

674 such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

675 (3) a site that meets the criteria for priority habitats as defined by the

676 Washington state Department of Fish and Wildlife and that is so listed by the King

677 County Comprehensive Plan or by the local jurisdiction in which the property is located;

678 or

679 (4) a site that meets criteria for a wildlife habitat conservation area as defined

680 by the department or a local jurisdiction.

681 b. To be eligible, the department, by its own determination or by expert

682 determination acceptable to the department, shall verify that qualified species are present

683 on the property or that the land fulfills the functions described in subsection C.~~((16-))~~15.a.

684 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a

685 buffer at least fifteen percent greater in width than required by any applicable regulation.

686 Property consisting mainly of disturbed or fragmented open space determined by the  
687 department as having minimal wildlife habitat significance is ineligible;

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

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

709            ~~((19.))~~ 18. Urban open space - five points.

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

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

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

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

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

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

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

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

728            ~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area"  
729 means property contributing to the forest cover that provides run-off reduction and  
730 groundwater protection. The property shall consist of contiguous native forest or be in  
731 the process of reforestation. The enrolling forested area shall consist of additional forest



732 cover beyond that required by county or applicable local government regulation and shall  
733 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If  
734 reforestation or improvements to the forest health are necessary, the property owner shall  
735 provide and implement an ecological enhancement, a forest stewardship, or resource  
736 restoration(~~(, or rural stewardship)~~) plan that addresses this need and is acceptable to the  
737 department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

840 A. King County adopts the standards and procedures specified in WAC 197-11-  
841 300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical  
842 exemptions and making threshold determinations subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

893 A. Aquatic areas:

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

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

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

900 a. used by fish; or

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

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

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



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

911            21A.06.122 are hereby amended to read as follows:

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

917            NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter

918            21A.06 a new section to read as follows:

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

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

923            21A.06.200 are hereby amended to read as follows:

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

927            NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06

928            a new section to read as follows:

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

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

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

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

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

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

955           4. Zero-rise floodways;  
956           5. FEMA floodways; and  
957           6. Channel migration zones;  
958           C. Fish and wildlife habitat conservation areas, including:  
959           1. Aquatic areas;  
960           2. Riparian areas;  
961           3. Wildlife habitat conservation areas; and  
962           4. Wildlife habitat networks;  
963           D. Geologically hazardous areas, including:  
964           1. Alluvial fan hazard areas;  
965           2. Channel migration zones;  
966           3. Coal mine hazard areas;  
967           4. Erosion hazard areas;  
968           5. Landslide hazard areas;  
969           6. Seismic hazard areas;  
970           7. Steep slope hazard areas;  
971           8. Tsunami hazard areas; and  
972           9. Volcanic hazard areas; and  
973           E. Wetlands(;  
974           ~~K. Wildlife habitat conservation areas; and~~  
975           ~~L. Wildlife habitat networks))~~.  
976           NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter  
977           21A.06 a new section to read as follows:

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

981 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter  
982 21A.06 a new section to read as follows:

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

985 NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter  
986 21A.06 a new section to read as follows:

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

992 SECTION 18. Ordinance 10870, Section 123, as amended, and K.C.C.  
993 21A.06.415 are hereby amended to read as follows:

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

1000 River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur  
1001 on slopes inclined at fifteen percent or more:

- 1002 A. The Alderwood gravely sandy loam ("AgD");
- 1003 B. The Alderwood and Kitsap soils ("AkF");
- 1004 C. The Beausite gravely sandy loam ("BeD" and "BeF");
- 1005 D. The Kitsap silt loam ("KpD");
- 1006 E. The Ovall gravely loam ("OvD" and "OvF");
- 1007 F. The Ragnar fine sandy loam ("RaD"); and
- 1008 G. The Ragnar-Indianola Association ("RdE").

1009 SECTION 19. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby  
1010 amended to read as follows:

1011 Farm field access drive: a((n)) paved or impervious (~~surface constructed to~~  
1012 ~~provide a fixed~~) route or path used for moving livestock, produce, equipment, or  
1013 supplies to and from farm fields, and farm structures for agricultural activities on a  
1014 property that is within an Agricultural Production District, enrolled in the Farmland  
1015 Preservation Program, or zoned A.

1016 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter  
1017 21A.06 a new section to read as follows:

1018 Fish and wildlife habitat conservation areas: areas that serve a critical role in  
1019 sustaining needed habitats and species for the functional integrity of the ecosystem, and  
1020 which, if altered, may reduce the likelihood that the species will persist over the long  
1021 term. These areas may include, but are not limited to, rare or vulnerable ecological  
1022 systems, communities, and habitat or habitat elements including seasonal ranges,

1023 breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with  
1024 high population density or species richness.

1025 Fish and wildlife habitat conservation areas do not include artificial water  
1026 carrying features or constructs such as irrigation delivery systems, irrigation  
1027 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and  
1028 are maintained by, a port district or an irrigation district or company.

1029 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter  
1030 21A.06 a new section to read as follows:

1031 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or  
1032 other geological events. Areas classified as geologically hazardous areas include one or  
1033 more of the following:

- 1034 A. Alluvial fan hazard areas;
- 1035 B. Channel migration zones;
- 1036 C. Coal mine hazard areas;
- 1037 D. Erosion hazard areas;
- 1038 E. Landslide hazard areas;
- 1039 F. Seismic hazard areas;
- 1040 G. Steep slope hazard areas;
- 1041 H. Tsunami hazard areas; and
- 1042 I. Volcanic hazard areas.

1043 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter  
1044 21A.06 a new section to read as follows:

1045 Geological professional: a geotechnical engineer or geologist, licensed in  
1046 Washington state and experience in analyzing geologic, hydrologic, and ground water  
1047 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1048 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter  
1049 21A.06 a new section to read as follows:

1050 Grazing area buffer: a designated area contiguous to a wetland or aquatic area  
1051 from which grazing livestock are excluded.

1052 SECTION 24. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby  
1053 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1054 SECTION 25. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are  
1055 hereby amended to read as follows:

1056 ~~((Free, hazard))~~ Hazard tree: any tree with a structural defect, combination of  
1057 defects or disease resulting in structural defect that, under the normal range of  
1058 environmental conditions at the site, will result in the loss of a major structural  
1059 component of that tree in a manner that will:

1060 A. Damage a residential ~~((structure))~~ building or accessory structure, place of  
1061 employment or public assembly or approved parking for a residential structure or  
1062 accessory structure or place of employment or public assembly;

1063 B. Damage an approved road or utility facility; or

1064 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1065 SECTION 26. Ordinance 10870, Section 190, as amended, and K.C.C.  
1066 21A.06.750 are hereby amended to read as follows:

1067 Mitigation: an action taken to compensate for unavoidable adverse impacts to the  
1068 environment resulting from a development activity or alteration after all appropriate and  
1069 practicable avoidance and minimization measures have been accounted for and  
1070 implemented.

1071 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter  
1072 21A.06 a new section to read as follows:

1073 Notice of map amendment: a letter issued by the department of natural resources  
1074 and parks indicating that the classification of a critical area has been changed from the  
1075 classification shown on a critical areas map adopted by King County. The notice of map  
1076 amendment may indicate that an area has been reclassified, declassified, or newly classified  
1077 as a critical area.

1078 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter  
1079 21A.06 a new section to read as follows:

1080 Revegetation: the reestablishment of vegetation within an area that reflects historic  
1081 natural conditions or native vegetation types that are well suited to thrive in the area.

1082 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter  
1083 21A.06 a new section to read as follows:

1084 Riparian area: a designated area contiguous to an aquatic area that provides fish and  
1085 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects  
1086 water quality. Riparian areas reduce impacts from adjacent land uses through various  
1087 physical, chemical, or biological processes.

1088 SECTION 30. Ordinance 10870, Section 243, as amended, and K.C.C.  
1089 21A.06.1015 are hereby amended to read as follows:



1090 Salmonid: a fish native to the Puget Sound region that is a member of the fish  
1091 family Salmonidae, including(~~(, but not limited to)~~):  
1092 A. Chinook, coho, chum, sockeye, and pink salmon;  
1093 B. Rainbow, steelhead, and cutthroat (~~(salmon, which are also known as)~~) trout;  
1094 C. (~~(Brown trout;~~  
1095 ~~D. Brook, b))~~Bull trout, which is (~~(also known as)~~) a type of char, and Dolly  
1096 Varden char;  
1097 (~~(E.)~~) D. Kokanee; (~~(and~~  
1098 ~~F.))~~ E. Pygmy whitefish; and  
1099 F. Mountain whitefish.

1100 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter  
1101 21A.06 a new section to read as follows:

1102 Special flood hazard area or area of special flood hazard: the land subject to  
1103 inundation by the base flood. Special flood hazard areas (SFHA or area of special flood  
1104 hazard) are designated on flood insurance rate maps with the letters "A" or "V" including  
1105 AE, AO, AH, A1-99, and VE.

1106 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter  
1107 21A.06 a new section to read as follows:

1108 Species of local importance: a species designated by the county in the  
1109 Comprehensive Plan to be of local concern due to their population status, sensitivity to  
1110 habitat alteration, or that are game species.

1111 SECTION 33. Ordinance 10870, Section 288, as amended, and K.C.C.  
1112 21A.06.1240 are hereby amended to read as follows:

1113 Stream: an aquatic area where surface water produces a channel, not including a  
1114 wholly artificial channel(,) unless ((#)) the artificial channel is:  
1115 A. Used by ((salmonids)) fish; or  
1116 B. Used to convey a stream or wetland that occurred naturally before  
1117 construction of the artificial channel.

1118 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter  
1119 21A.06 a new section to read as follows:

1120 Tsunami hazard area: a geologically hazardous area susceptible to flooding,  
1121 inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but  
1122 not limited to, those areas shown on the Washington Geological Survey Digital Data Series  
1123 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood  
1124 Insurance Rate Maps.

1125 SECTION 35. Ordinance 10870, Section 314, as amended, and K.C.C.  
1126 21A.06.1370 are hereby amended to read as follows:

1127 Volcanic hazard area: ((an)) a geologically hazardous area subject to pyroclastic  
1128 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,  
1129 or related flooding resulting from volcanic activity on Mount Rainier, delineated based  
1130 on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

1131 SECTION 36. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are  
1132 hereby amended to read as follows:

1133 Wetland functions: ~~((natural processes performed by wetlands including~~  
1134 ~~functions which are important in facilitating food chain production, providing habitat for~~  
1135 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~

1136 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~  
1137 ~~aquifers and moderating surface and storm water flows, as well as performing other~~  
1138 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~  
1139 physical, biological, chemical, and geologic interactions among different components of  
1140 the environment that occur within a wetland. Wetland functions include, but are not  
1141 limited to, functions that improve water quality, functions that change the water regime in  
1142 a watershed such as flood storage, and functions that provide habitat for plants and  
1143 animals.

1144 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter  
1145 21A.06 a new section to read as follows:

1146 Wetland values: wetland processes, characteristics, or attributes that are  
1147 considered to benefit society.

1148 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter  
1149 21A.06 a new section to read as follows:

1150 Wildlife lighting: measures applied to exterior lighting to reduce impacts to wildlife.

1151 SECTION 39. Ordinance 10870, Section 448, as amended, and K.C.C.  
1152 21A.24.010 are hereby amended to read as follows:

1153 The purpose of this chapter is to implement the goals and policies of the Growth  
1154 Management Act, chapter 3670A RCW, Washington state Environmental Policy Act,  
1155 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for  
1156 protection of the natural environment and the public health and safety by:

1157 A. Establishing development and alteration standards to protect functions and  
1158 values of critical areas;

1159 B. Protecting members of the general public and public resources and facilities  
1160 from injury, loss of life, property damage, or financial loss due to flooding, erosion,  
1161 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil  
1162 subsidence, or steep slope failures;

1163 C. Protecting unique, fragile, and valuable elements of the environment  
1164 including, but not limited to, fish and wildlife and their habitats, ~~((and))~~ while  
1165 maintaining and promoting countywide native biodiversity;

1166 D. Requiring prioritization of avoidance and minimization measures, followed by  
1167 mitigation of ((unavoidable)) adverse impacts to critical areas~~((, by regulating alterations~~  
1168 ~~in or near critical areas))~~ and associated buffers;

1169 E. Preventing cumulative adverse environmental impacts on water availability,  
1170 water quality, ground water, wetlands, and aquatic areas;

1171 F. Measuring the quantity and quality of wetland and aquatic area resources and  
1172 preventing overall net loss of wetland and aquatic area functions;

1173 G. Protecting the public trust as to navigable waters, aquatic resources, and fish  
1174 and wildlife and their habitat;

1175 H. Meeting the requirements of the National Flood Insurance Program and  
1176 maintaining King County as an eligible community for federal flood insurance benefits;

1177 I. Alerting members of the public including, but not limited to, appraisers,  
1178 owners, potential buyers, or lessees to the development limitations of critical areas; and

1179 J. Providing county officials with sufficient information ~~((to protect))~~ at the time  
1180 of permit application submittal to determine whether proposed land uses, activities, or  
1181 development could negatively impact critical areas.

1182            SECTION 40. Ordinance 10870, Section 449, as amended, and K.C.C.

1183            21A.24.020 are hereby amended to read as follows:

1184            A. This chapter applies to all land uses and activities in King County, and all  
1185 persons within the county shall comply with this chapter.

1186            B. King County shall not approve any permit or otherwise issue any authorization  
1187 to alter the condition of any land, water, or vegetation or to construct or alter any  
1188 structure or improvement without first ensuring compliance with this chapter.

1189            C. Approval of a development proposal in accordance with this chapter does not  
1190 discharge the obligation of the applicant to comply with this chapter.

1191            D. If an area or site contains more than one critical area or natural resource land  
1192 use designation, all designations shall apply.

1193            E. When ~~((any other chapter))~~ another provision of the King County Code  
1194 conflicts with this chapter or when the provisions of this chapter are in conflict, the  
1195 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~  
1196 critical areas shall apply unless specifically provided otherwise in this chapter or unless  
1197 the provision conflicts with federal or state laws or regulations.

1198            ~~((E-))~~ F. This chapter applies to all forest practices over which the county has  
1199 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

1200            SECTION 41. Ordinance 15051, Section 137, as amended, and K.C.C.

1201            21A.24.045 are hereby amended to read as follows:

1202            A. Within the following ~~((seven))~~ critical areas and their buffers ~~((all))~~ alterations  
1203 are allowed if the alteration complies with the development standards, and prioritizes

1204 impact avoidance and minimization measures, ~~((and))~~ followed by mitigation  
1205 requirements and other applicable requirements established in this chapter:

- 1206 1. Critical aquifer recharge areas;
- 1207 2. Coal mine hazard areas;
- 1208 3. Erosion hazard areas;
- 1209 4. Flood hazard areas except in the severe channel migration hazard areas;
- 1210 5. Landslide hazard areas under forty percent slope;
- 1211 6. Seismic hazard areas; ~~((and))~~
- 1212 7. Tsunami hazard areas; and
- 1213 8. Volcanic hazard areas.

1214 B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed  
1215 as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the  
1216 table in subsection C. of this section are allowed if the alteration complies with  
1217 conditions in subsection D. of this section and the development standards, and prioritizes  
1218 impact avoidance and minimization measures, ~~((and))~~ followed by mitigation  
1219 requirements and other applicable requirements established in this chapter:

- 1220 1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;
- 1221 2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;
- 1222 3. ~~((Steep slope hazard area))~~ Landslide hazard areas over forty percent slope;
- 1223 4. ~~((Wetland))~~ Riparian areas;
- 1224 5. ~~((Aquatic area))~~ Severe channel migration hazard areas;
- 1225 6. ~~((Wildlife habitat conservation area; and))~~ Steep slope hazard areas;
- 1226 7. ~~((Wildlife habitat network))~~ Wetlands;

1227 8. Wildlife habitat conservation areas; and

1228 9. Wildlife habitat networks.

1229 C. In the following table where an activity is included in more than one activity  
 1230 category, the numbered conditions applicable to the most specific description of the  
 1231 activity governs. Where more than one numbered condition appears for a listed activity,  
 1232 each of the relevant conditions specified for that activity within the given critical area  
 1233 applies. For alterations involving more than one critical area, compliance with the  
 1234 conditions applicable to each critical area is required.

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

<del>((Construction of nonresidential structure))</del>				<del>((A-3))</del>	<del>((A-3))</del>	<del>((A-3,4))</del>
Maintenance or repair of existing structure	A 5	<u>A 5, 6</u>	A <u>5</u>	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	<u>A 5, 6, 7</u>	A 5, 7	A 7, 8	A 6, 7, 8	A 4, <u>7, 8</u>
Interior remodeling	A		A	A	A	A
Construction of new dock or pier				A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11	A 4
<b>Grading</b>						
Grading		<u>A 13, 15, 70</u>	A 13		A 14	A 4, ((14))
Construction of new slope stabilization	A <u>15, 16</u>	<u>A 15, 16</u>	A 15 <sub>2</sub> <u>16</u>	A <u>15, 16</u>	A <u>15, 16</u>	A 4, 15 <sub>2</sub> <u>16</u>
Maintenance of existing slope stabilization	A <u>15, 16</u>	<u>A 15, 16</u>	A <del>((13))</del> <u>15, 16</u>	A <u>16, 17</u>	A 16, 17	A 4
Mineral extraction	A		A			
<b>Clearing</b>						



Clearing	A 18	<u>A 18</u>	A 18	A 18, 20	A 14, 18, 20	A 4, <del>((14,))</del> 18, 20
Cutting firewood		<u>A 21</u>	A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
<del>((Removal of vegetation for fire safety))</del> <u>Tree and vegetation clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	<u>A 23</u>	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>						
Forest management activity	A	<u>A</u>	A	A	A	A 25
<b>Roads</b>						
Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a plat				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Expansion beyond public road 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,</u> <u>70</u>	A 28	A 28	A 28	A 28
<del>((Construction of farm field access drive))</del>	<del>((A 29))</del>		<del>((A 29))</del>	<del>((A 29))</del>	<del>((A 29))</del>	<del>((A 29))</del>
Maintenance of driveway, private access road, <del>((farm field access drive))</del> or parking lot	A	<u>A 17</u>	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 39,</u> <u>70</u>	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>						
Maintenance or repair of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17</u>	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	<u>A 16,</u> <u>39</u>	A 16, 39	A 16, 39	A16, 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> <u>17, 31</u>	A 16, 17	A 16, 17, 31	A <u>16,</u> 17, 31	A <del>((4))</del> <u>27</u>

<b>Utilities and other infrastructure</b>						
Construction of new utility corridor or utility facility	A 32, 33	<u>A 32, 33, 34</u>	A 32, 33, 34, <u>35</u>	A 32, 34	A 32, 34	A <u>4, 27, 32, 35</u>
Construction or maintenance of a hydroelectric ( <del>(generating)</del> ) <u>generation</u> facility	A 67	<u>A 66, 67</u>	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	<u>A 32, 33, 60</u>	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	<u>A 32, 33</u>	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	<del>((A 24))</del>		<del>((A 24))</del>	A 63	A 63	
Maintenance or repair of existing well	A 37	<u>A 37</u>	A 37	A 37	A 37	A 4, 37
Maintenance, <del>((or))</del> <u>repair, or replacement</u> of <u>existing</u> on-site sewage disposal system	A <u>24</u>	<u>A 24, 37</u>	A <u>24</u>	A <u>24, 37</u>	A <u>24, 37</u>	A <u>4, 24, 37</u>
Construction of new surface water conveyance system	A 32, 33	<u>A 32, 33, 38</u>	A 32, 33	A 32, 38	A 32, 38	A 4

Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A <u>32</u> , 33	<u>A 16</u> , <u>32</u> , <u>33</u> , <u>40</u> , <u>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
<b>Recreation</b>						
Construction of new trail	A 46	<u>A 46,</u> <u>47</u>	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48
<b>Habitat, education, and science projects</b>						
Habitat restoration or enhancement project	A 49	<u>A 49</u>	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		<u>A 50</u>		A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, 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
<b>Agriculture</b>						
Horticulture activity including tilling, discing, planting,	A 53	<u>A 53</u>	A 53	A 53, 54	A 53, 54	A 53, 54

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

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

1235 D. The following alteration conditions apply:

1236 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
1237 limitations of subsection D.3. of this section.

1238 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that  
1239 was created before January 1, 2005, if:~~

1240 ~~a. at least seventy five percent of the lots abutting the shoreline of the lake or  
1241 seventy five percent of the lake frontage, whichever constitutes the most developable  
1242 lake frontage, has existing density of four dwelling units per acre or more;~~

1243            ~~b. the development proposal, including mitigation required by this chapter, will~~  
1244   ~~have the least adverse impact on the critical area;~~

1245            ~~c. existing native vegetation within the critical area buffer will remain~~  
1246   ~~undisturbed except as necessary to accommodate the development proposal and required~~  
1247   ~~building setbacks;~~

1248            ~~d. access is located to have the least adverse impact on the critical area and~~  
1249   ~~critical area buffer;~~

1250            ~~e. the site alteration is the minimum necessary to accommodate the~~  
1251   ~~development proposal and in no case in excess of five thousand square feet;~~

1252            ~~f. the alteration is no closer than:~~

1253            ~~(1) on a site with a shoreline environment designation of high intensity or~~  
1254   ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~  
1255   ~~on either side of the subject property, as measured from the ordinary high water mark of~~  
1256   ~~the lake shoreline;~~

1257            ~~(2) on a site with a shoreline environment designation of rural, conservancy,~~  
1258   ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~  
1259   ~~lots on either side of the subject property, as measured from the ordinary high water~~  
1260   ~~mark; and~~

1261            ~~(3) on a site with a shoreline environment designation of natural, the greater~~  
1262   ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~  
1263   ~~subject property, as measured from the ordinary high water mark; and~~



1264 ~~g. to the maximum extent practical, alterations are mitigated on the~~  
1265 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~

1266 Repealed.

1267 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows,  
1268 ~~((or))~~ wetland buffers ~~((of wetlands))~~, or ~~((aquatic))~~ riparian areas where:

1269 a. the site is predominantly used for the practice of ~~((agriculture))~~ agricultural  
1270 activities;

1271 b. the structure is in compliance with an approved farm management plan in  
1272 accordance with K.C.C. 21A.24.051;

1273 c. the structure is either:

1274 (1) on or adjacent to existing nonresidential impervious surface areas,  
1275 additional impervious surface area is not created waterward of any existing impervious  
1276 surface areas, and the area was not used for crop production;

1277 (2) higher in elevation and no closer to the critical area than its existing  
1278 position; or

1279 (3) at a location away from existing impervious surface areas that is  
1280 determined to be the optimum site in the farm management plan;

1281 d. all best management practices associated with the structure specified in the  
1282 farm management plan are installed and maintained;

1283 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
1284 require the development of a farm management plan if required best management  
1285 practices are followed and the installation does not require clearing of critical areas or  
1286 their buffers; and

1287 f. in an alluvial fan hazard area or a severe channel migration hazard area  
1288 ~~((portion of an aquatic buffer only))~~ if:  
1289 (1) there is no feasible alternative location on-site;  
1290 (2) the structure is located where it is least subject to risk from alluvial fan  
1291 hazards or channel migration;  
1292 (3) the structure is not used to house animals or store hazardous substances;  
1293 and  
1294 (4) the total footprint of all accessory structures within the severe channel  
1295 migration hazard area will not exceed the greater of one thousand square feet or two  
1296 percent of the severe channel migration hazard area on the site.

1297 4. No clearing, external construction, or other disturbance in a wildlife habitat  
1298 conservation area is allowed during breeding seasons established under K.C.C.  
1299 21A.24.382.

1300 5. Allowed for structures when:  
1301 a. the landslide hazard, steep slope hazard, or alluvial fan hazard poses little  
1302 ~~((or))~~ to no risk of injury;  
1303 b. the hazard risks ~~((of landsliding is))~~ from landslides, steep slopes, or alluvial  
1304 fans are low; and  
1305 c. there is no ~~((t-an))~~ expansion of the structure.

1306 6. Within an alluvial fan hazard area or severe channel migration hazard area  
1307 allowed for:  
1308 a. existing legally established primary structures if:  
1309 (1) there is not an increase of the footprint of any existing structure; and

1310 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1311 and

1312 b. existing legally established accessory structures if:

1313 (1) additions to the footprint will not make the total footprint of all existing  
1314 structures more than one((-) thousand square feet; and

1315 (2) there is no(~~tan~~) expansion of the footprint towards any source of  
1316 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that  
1317 the location is less subject to risk and has less impact on the critical area.

1318 7. Allowed only in (~~grazed wet meadows or the~~) a critical area, associated  
1319 buffer, or (~~building~~) critical area setback outside a severe channel migration hazard area  
1320 if:

1321 a. the expansion or replacement does not increase the footprint of a  
1322 nonresidential structure;

1323 b.(1) for a legally established dwelling unit, the expansion or replacement,  
1324 including any expansion of a legally established accessory structure allowed under this  
1325 subsection B.7.b., does not increase the footprint of the dwelling unit and all other  
1326 structures by more than one thousand square feet, not including any expansion of a  
1327 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent  
1328 practical, the replacement or expansion of a drainfield in the buffer should be located  
1329 within areas of existing lawn or landscaping, unless another location will have a lesser  
1330 impact on the critical area and (~~its~~) associated buffer;

1331 (2) for a structure accessory to a dwelling unit, the expansion or replacement  
1332 is located on or adjacent to existing impervious surface areas and does not result in a

1333 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
1334 more than one thousand square feet;

1335 (3) the location of the expansion has the least adverse impact on the critical  
1336 area; and

1337 (4) a comparable area of degraded buffer area shall be enhanced through  
1338 removal of nonnative plants and replacement with native vegetation or climate-smart  
1339 plants in accordance with an approved (~~(landscaping)~~) mitigation plan;

1340 c. the structure was not established as the result of an alteration exception,  
1341 variance, buffer averaging or reasonable use exception;

1342 d. to the maximum extent practical, the expansion or replacement is not  
1343 located closer to the critical area or within the relic of a channel that can be connected to  
1344 an aquatic area; and

1345 e. The expansion of a residential structure in (~~(the buffer of)~~) a riparian area  
1346 adjacent to a (~~(F)~~)type S aquatic area that extends towards the ordinary high water mark  
1347 requires a shoreline variance if:

1348 (1) the expansion is within thirty-five feet of the ordinary high water mark; or  
1349 (2) the expansion is between thirty-five and fifty feet of the ordinary high  
1350 water mark and the area of the expansion extending towards the ordinary high water mark  
1351 is greater than three hundred square feet.

1352 8. Allowed upon another portion of an existing impervious surface outside a  
1353 severe channel migration hazard area if:

1354 a. except as otherwise allowed under subsection D.7. of this section, the  
1355 structure is not located closer to the critical area;

1356           b. except as otherwise allowed under subsection D.7. of this section, the  
1357 existing impervious surface within the critical area or buffer is not expanded; and  
1358           c. the degraded buffer area is enhanced through removal of nonnative plants  
1359 and replacement with native vegetation or climate-smart plants in accordance with an  
1360 approved ~~((landscaping))~~ mitigation plan.

1361           9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland  
1362 or ~~((its))~~ associated buffer or along a lake shoreline or ~~((its buffer))~~ the adjacent riparian  
1363 area where:

1364           a. the vegetation where the alteration is proposed does not consist of dominant  
1365 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
1366 of this vegetation is not the result of any violation of law;

1367           b. the wetland or lake shoreline is not a salmonid spawning area;

1368           c. hazardous substances or toxic materials are not used; and

1369           d. if located in a freshwater lake, the pier or dock conforms to the standards for  
1370 docks under K.C.C. 21A.25.180.

1371           10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
1372 materials are not used.

1373           11. Allowed on type S or F aquatic areas outside of the severe channel  
1374 migration hazard area if in compliance with K.C.C. 21A.25.180.

1375           12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

1376           13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
1377 grading activity.

1378 14. ~~((The following are allowed in the severe channel migration hazard area if~~  
1379 ~~conducted more than one hundred sixty five feet from the ordinary high water mark in~~  
1380 ~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary~~  
1381 ~~high water mark in the urban area:~~

1382 a. ~~grading of up to fifty cubic yards on lot less than five acres; and~~

1383 b. ~~clearing of up to one thousand square feet or up to a cumulative thirty five~~  
1384 ~~percent of the severe channel migration hazard area.)) Repealed.~~

1385 15. Only where erosion or landsliding threatens a primary structure, utility  
1386 facility, roadway, driveway, or public trails, ~~((aquatic area or wetland if,))~~ and to the  
1387 maximum extent practical, stabilization work does not disturb the slope and its vegetative  
1388 cover and any associated critical areas.

1389 16. Allowed ~~((when))~~ for projects performed by, at the direction of, or  
1390 authorized by a government agency in accordance with regional road construction and  
1391 maintenance guidelines.

1392 17. Allowed ~~((when))~~ for projects not performed under the direction of a  
1393 government agency only if:

1394 a. the maintenance or expansion does not involve the use of herbicides,  
1395 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian  
1396 areas, wetlands, or ~~((their))~~ associated buffers; and

1397 b. when maintenance, expansion, or replacement of bridges or culverts  
1398 involves water used by salmonids:

1399 (1) the work ~~((is in compliance))~~ complies with ditch standards in public rule;  
1400 and

1401 (2) the maintenance of culverts is limited to removal of sediment and debris  
1402 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
1403 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
1404 excavation of a new sediment trap adjacent to the inlet.

1405 18. Allowed for the removal of hazard trees and vegetation as necessary for  
1406 surveying or testing purposes.

1407 19. The limited trimming, pruning, or removal of vegetation under a vegetation  
1408 management plan approved by the department:

1409 a. in steep slope and landslide hazard areas, for the making and maintenance of  
1410 view corridors; and

1411 b. in all critical areas for habitat enhancement, invasive species control, or  
1412 forest management activities.

1413 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or  
1414 fruits, for restoration and enhancement projects is allowed.

1415 21. Cutting of firewood is subject to the following:

1416 a. not allowed within a wildlife habitat conservation area, wetland, aquatic  
1417 area, steep slope hazard area, or on a tree containing an active nest (~~cutting firewood is~~  
1418 ~~not allowed~~);

1419 b. within a wildlife habitat network, cutting shall be in accordance with a  
1420 management plan approved under K.C.C. 21A.24.386; and

1421 c. when firewood is for personal use, cutting is allowed within ~~((a))~~ critical  
1422 areas and critical area buffers (~~(, cutting shall be for personal use and)~~) when done in  
1423 accordance with an approved forest management plan (~~(or rural stewardship plan)~~).

1424 22. (~~Allowed only in buffers if in accordance with best management practices~~  
1425 ~~approved by the King County fire marshal~~) Not allowed in wetlands, aquatic areas,  
1426 wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise,  
1427 allowed in critical areas and associated buffers within the wildland urban interface if  
1428 limited to the activities listed in K.C.C. 16.82.051.E.23.

1429 23. Allowed as follows:

1430 a. if conducted in accordance with an approved forest management plan(~~(;)~~) or  
1431 farm management plan(~~(; or rural stewardship plan)~~); or

1432 b. without an approved forest management plan(~~(;)~~) or farm management  
1433 plan(~~(; or rural stewardship plan)~~), only if:

1434 (1) removal is undertaken with hand labor, including hand-held mechanical  
1435 tools, unless the King County noxious weed control board otherwise prescribes the use of  
1436 riding mowers, light mechanical cultivating equipment, or herbicides or biological  
1437 control methods;

1438 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1439 (3) the cleared area is revegetated with native vegetation or climate-smart  
1440 plants and stabilized against erosion; and

1441 (4) herbicide use is in accordance with federal and state law(~~(;)~~).

1442 24. Allowed to repair or replace existing on site wastewater disposal systems in  
1443 accordance with the applicable public health standards within Marine Recovery Areas  
1444 adopted by (~~the P~~)public (~~H~~)health – Seattle & King County and:

1445 a. there is no alternative location available with less impact on the critical area;



- 1446                    b. impacts to the critical area are minimized to the maximum extent  
1447 practicable;
- 1448                    c. the alterations will not subject the critical area to increased risk of landslide  
1449 or erosion;
- 1450                    d. vegetation removal is the minimum necessary to accommodate the septic  
1451 system; and
- 1452                    e. significant risk of personal injury is eliminated or minimized in the landslide  
1453 hazard area.
- 1454                    25. Only if in compliance with published Washington state Department of Fish  
1455 and Wildlife and Washington state Department of Natural Resources Management  
1456 standards for the species. If there are no published Washington state standards, only if in  
1457 compliance with management standards determined by the county to be consistent with  
1458 best available science.
- 1459                    26. Allowed only if:
- 1460                    a. there is no((t)) ((an))other feasible location with less adverse impact on the  
1461 critical area and ((its)) associated buffer;
- 1462                    b. the corridor is not located over habitat used for salmonid rearing or  
1463 spawning or by a species listed as endangered or threatened by the state or federal  
1464 government unless the department determines that there is no other feasible crossing  
1465 site((-));
- 1466                    c. the corridor width is minimized to the maximum extent practical;
- 1467                    d. the construction occurs during approved periods for instream work;

1468 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
1469 duration, or volume or the flood storage capacity; and

1470 f. no new public right-of-way is established within a severe channel migration  
1471 hazard area.

1472 27. To the maximum extent practical, during breeding season established under  
1473 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy  
1474 equipment are not operated within a wildlife habitat conservation area.

1475 28. Allowed only if:

1476 a. an alternative access is not available;

1477 b. impact to the critical area is minimized to the maximum extent practical  
1478 including the use of walls to limit the amount of cut and fill necessary;

1479 c. the risk associated with landslide and erosion is minimized;

1480 d. access is located where it is least subject to risk from channel migration; and

1481 e. construction occurs during approved periods for instream work.

1482 29. Allowed ((Θ))only on sites currently involved in the practice of agricultural  
1483 activities if:

1484 a. in compliance with a farm management plan in accordance with K.C.C.  
1485 21A.24.051, and constructed using best management practices approved by the  
1486 permitting division;

1487 b. there is no other feasible location with less adverse impact on critical areas  
1488 and associated buffers;

1489 c. in compliance with the farmland dispersion requirements of the King  
1490 County Surface Water Design Manual;

1491 d. access is located where it is least subject to risk from channel migration;

1492 e. a floodplain development permit is obtained for any action within the

1493 floodplain; and

1494 f. all other required state and federal permits have been obtained and actions

1495 comply with such permits.

1496 30. Allowed only if:

1497 a. the new construction or replacement is made fish passable in accordance

1498 with the most recent Washington state Department of Fish and Wildlife manuals or with

1499 the National Marine and Fisheries Services guidelines for federally listed salmonid

1500 species; and

1501 b. the site is restored with appropriate native vegetation or climate-smart plants

1502 in accordance with an approved mitigation plan.

1503 31. Allowed if necessary to bring the bridge or culvert up to current standards

1504 and if:

1505 a. there is no(~~to an~~) other feasible alternative available with less impact on the

1506 aquatic area and (~~its buffer~~) adjacent riparian area; and

1507 b. to the maximum extent practical, the bridge or culvert is located to minimize

1508 impacts to the aquatic area and (~~its buffers~~) adjacent riparian area.

1509 32. Allowed in an existing roadway if conducted consistent with the regional

1510 road maintenance guidelines.

1511 33. Allowed outside the roadway if:

1512 a. the alterations will not subject the critical area to an increased risk (~~of~~)

1513 from landslide, alluvial fan, or erosion hazards;

1514                    b. vegetation removal is the minimum necessary to locate the utility or  
1515 construct the corridor; and  
1516                    c. significant risk of personal injury is eliminated or minimized in the landslide  
1517 or alluvial fan hazard area.

1518                    34. Limited to the pipelines, cables, wires, and support structures of utility  
1519 facilities within utility corridors if:

1520                    a. there is no alternative location with less adverse impact on the critical area  
1521 and critical area buffer;

1522                    b. new utility corridors meet ~~((all of))~~ the following to the maximum extent  
1523 practical:

1524                    (1) are not located over habitat used for salmonid rearing or spawning or by a  
1525 species listed as endangered or threatened by the state or federal government unless the  
1526 department determines that there is no other feasible crossing site;

1527                    (2) the mean annual flow rate is less than twenty cubic feet per second; and

1528                    (3) paralleling the channel or following a down-valley route near the channel  
1529 is avoided;

1530                    c. to the maximum extent practical utility corridors are located so that:

1531                    (1) the width is the minimized;

1532                    (2) the removal of trees greater than twelve inches diameter at breast height is  
1533 minimized;

1534                    (3) an additional, contiguous, and undisturbed critical area buffer, equal in  
1535 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
1536 provided to protect the critical area;

1537 d. to the maximum extent practical, access for maintenance is at limited access  
1538 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
1539 maintenance road is necessary, the following standards are met:

1540 (1) to the maximum extent practical, the width of the maintenance road is  
1541 minimized and in no event greater than fifteen feet; and

1542 (2) the location of the maintenance road is contiguous to the utility corridor  
1543 on the side of the utility corridor farthest from the critical area;

1544 e. the utility corridor or facility will not adversely impact the overall critical  
1545 area hydrology or diminish flood storage capacity;

1546 f. the construction occurs during approved periods for instream work;

1547 g. the utility corridor serves multiple purposes and properties to the maximum  
1548 extent practical;

1549 h. bridges or other construction techniques that do not disturb the critical areas  
1550 are used to the maximum extent practical;

1551 i. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed at  
1552 least four feet below the maximum depth of scour for the base flood;

1553 j. bridge piers or abutments for bridge crossing are not placed within the  
1554 FEMA floodway or the ordinary high water mark;

1555 k. open trenching is only used during low flow periods or only within aquatic  
1556 areas when they are dry. The department may approve open trenching of type S or F  
1557 aquatic areas only if there is not a feasible alternative and equivalent or greater  
1558 environmental protection can be achieved; and

1559 l. minor communication facilities may collocate on existing utility facilities if:

- 1560 (1) no new transmission support structure is required; and
- 1561 (2) equipment cabinets are located on the transmission support structure.
- 1562 35. Allowed only for new utility facilities in existing utility corridors.
- 1563 36. Allowed for onsite private individual utility service connections or private
- 1564 or public utilities if the disturbed area is not expanded and no hazardous substances,
- 1565 pesticides or fertilizers are applied.
- 1566 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 1567 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are
- 1568 applied.
- 1569 38. Allowed if:
- 1570 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~
- 1571 riparian area, and discharging into the wetland buffer or ~~((aquatic area buffer))~~ riparian
- 1572 area or at the wetland or aquatic area edge, has less adverse impact upon the wetland
- 1573 ~~((or)), wetland buffer, aquatic area, or riparian area ((or wetland or aquatic area buffer))~~
- 1574 than if the surface water were discharged at the ~~buffer((s))~~ or riparian area edge and
- 1575 allowed to naturally drain through the buffer or riparian area;
- 1576 b. the volume of discharge is minimized through application of low impact
- 1577 development and water quality measures identified in the King County Surface Water
- 1578 Design Manual;
- 1579 c. the conveyance and outfall are installed with hand equipment where
- 1580 feasible;
- 1581 d. the outfall shall include bioengineering techniques where feasible; and
- 1582 e. the outfall is designed to minimize adverse impacts to critical areas.

- 1583 39. Allowed only if:
- 1584 a. there is no feasible alternative with less impact on the critical area and ~~((its))~~
- 1585 associated buffer;
- 1586 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 1587 impacts to the critical area and ~~((its))~~ associated buffer;
- 1588 c. the bridge or culvert is not located over habitat used for salmonid rearing or
- 1589 spawning unless there is no other feasible crossing site;
- 1590 d. construction occurs during approved periods for in-stream work; and
- 1591 e. bridge piers or abutments for bridge crossings are not placed within the
- 1592 FEMA floodway, severe channel migration hazard area<sub>2</sub> or waterward of the ordinary
- 1593 high water mark.
- 1594 40. Allowed for an open, vegetated stormwater management conveyance system
- 1595 and outfall structure that simulates natural conditions if:
- 1596 a. fish habitat features necessary for feeding, cover<sub>2</sub> and reproduction are
- 1597 included when appropriate;
- 1598 b. vegetation is maintained and added adjacent to all open channels and ponds,
- 1599 if necessary to prevent erosion, filter out sediments<sub>2</sub> or shade the water; and
- 1600 c. bioengineering techniques are used to the maximum extent practical.
- 1601 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 1602 a. necessary to avoid erosion of slopes; and
- 1603 b. bioengineering techniques are used to the maximum extent practical.
- 1604 42. Allowed in a severe channel migration hazard area, riparian area, or an
- 1605 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:

1606 a. if consistent with the Integrated Streambank Protection Guidelines  
1607 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering  
1608 techniques are used to the maximum extent practical, unless the applicant demonstrates  
1609 that other methods provide equivalent structural stabilization and environmental function;

1610 b. based on a critical area((s)) report, the department determines that the new  
1611 flood protection facility will not cause ((~~significant~~)) adverse impacts to upstream or  
1612 downstream properties; and

1613 c. to prevent bank erosion for the protection of:

1614 (1) public roadways;

1615 (2) sole access routes in existence before February 16, 1995;

1616 (3) new primary dwelling units, accessory dwelling units, or accessory living  
1617 quarters and residential accessory structures located outside the severe channel migration  
1618 hazard area if:

1619 (a) the site is adjacent to or abutted by properties on both sides containing  
1620 buildings or sole access routes protected by legal bank stabilization in existence before  
1621 February 16, 1995. The buildings, sole access routes, or bank stabilization must be  
1622 located no more than six hundred feet apart as measured parallel to the migrating  
1623 channel; and

1624 (b) the new primary dwelling units, accessory dwelling units, accessory  
1625 living quarters or residential accessory structures are located no closer to the aquatic area  
1626 than existing primary dwelling units, accessory dwelling units, accessory living quarters,  
1627 or residential accessory structures on abutting or adjacent properties; or



1628 (4) existing primary dwelling units, accessory dwelling units, accessory living  
1629 quarters, or residential accessory structures if:

1630 (a) the structure was in existence before the adoption date of a King County  
1631 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

1632 (b) the structure is in imminent danger, as determined by a ~~((geologist,~~  
1633 ~~engineering geologist or geotechnical engineer))~~ geological professional;

1634 (c) the applicant has demonstrated that the existing structure is at risk, and  
1635 the structure and supporting infrastructure cannot be relocated on the lot further from the  
1636 source of channel migration; and

1637 (d) nonstructural measures are not feasible.

1638 43. Applies to lawfully established existing structures if:

1639 a. the height of the facility is not increased, unless the facility is being replaced  
1640 in a new alignment that is landward of the previous alignment and enhances aquatic area  
1641 habitat and process;

1642 b. the linear length of the facility is not increased, unless the facility is being  
1643 replaced in a new alignment that is landward of the previous alignment and enhances  
1644 aquatic area habitat and process;

1645 c. the footprint of the facility is not expanded waterward;

1646 d. consistent with the Integrated Streambank Protection Guidelines

1647 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering

1648 techniques are used to the maximum extent practical;

1649 e. the site is restored with appropriate native vegetation, or climate-smart

1650 plants and erosion protection materials according to an approved mitigation plan; and

1651 f. based on a critical area((s)) report, the department determines that the  
1652 maintenance, repair, replacement, or construction will not cause ((significant)) adverse  
1653 impacts to upstream or downstream properties.

1654 44. Allowed in type N and O aquatic areas if done in the least impacting way at  
1655 the least impacting time of year, in conformance with applicable best management  
1656 practices, and all affected instream and ((buffer)) riparian area features are restored.

1657 45. Allowed in a type S or F water when such work is:

1658 a. included as part of a project to evaluate, restore, mitigate, or ((improve))  
1659 enhance habitat((, and));

1660 b. sponsored or cosponsored by an Indian tribe, ((public)) government agency,  
1661 nonprofit organization that has natural resource management as a function, or ((by a  
1662 federally recognized tribe)) a higher education institution; and

1663 c. in compliance with the criteria of subsection D.49. of this section.

1664 46. Allowed ((as long as)) if the trail is not constructed of impervious surfaces  
1665 that will contribute to surface water run-off, unless the construction is necessary for soil  
1666 stabilization or soil erosion prevention or unless the trail system is specifically designed  
1667 and intended to be accessible to ((handicapped)) persons with disabilities.

1668 47. ((Not allowed in a wildlife habitat conservation area. Otherwise,

1669 a)) Allowed only in ((the buffer)) a riparian area or wetland buffer, or for crossing a  
1670 category II, III, or IV wetland or a type F, N, or O aquatic area((,)); or a wildlife habitat  
1671 network, if:

1672 a. the trail surface is made of pervious materials, except that public  
1673 multipurpose trails and public trails constructed for access by persons with disabilities

1674 may be made of impervious materials if they meet all the requirements in K.C.C. chapter  
1675 9.12. A trail section that crosses a wetland or aquatic area shall be constructed as a raised  
1676 boardwalk or bridge;

1677 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat  
1678 network areas are expanded equal to the width of the trail corridor including disturbed  
1679 areas;

1680 c. there is not another feasible location with less adverse impact on the critical  
1681 area and ~~((its))~~ associated buffer;

1682 d. the trail is not located over habitat used for salmonid rearing or spawning or  
1683 by a species listed as endangered or threatened by the state or federal government unless  
1684 the department determines that there is no other feasible crossing site;

1685 e. the trail width is minimized to the maximum extent practical and private  
1686 foot trails are limited to three feet in width;

1687 f. the construction occurs during approved periods for instream work; ~~((and))~~

1688 g. the trail corridor will not change or diminish the overall aquatic area flow  
1689 peaks, duration or volume or the flood storage capacity~~((-))~~;

1690 h. the trail shall minimize impacts within a wetland buffer, riparian area, or  
1691 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to  
1692 the maximum extent practical;

1693 i. trail maintenance or expansion does not involve the use of herbicides,  
1694 hazardous substances, sealants, or other liquid oily substances within aquatic areas,  
1695 riparian areas, wetlands or associated buffers;

1696 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a  
1697 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform  
1698 or to a permitted dock or pier; and

1699 ~~((i-A))~~ k. a private viewing platform may be allowed if it is:

1700 (1) located upland from the wetland edge or the ordinary high water mark of  
1701 an aquatic area;

1702 (2) located where it will not be detrimental to the functions of the wetland or  
1703 aquatic area and will have the least adverse environmental impact on the critical area or  
1704 ~~((its))~~ associated buffer;

1705 (3) limited to fifty square feet in size;

1706 (4) constructed of materials that are nontoxic; and

1707 (5) on footings located outside of the wetland or aquatic area.

1708 48. Only if the maintenance:

1709 a. does not involve the use of herbicides or other hazardous substances except  
1710 for the removal of noxious weeds or invasive vegetation;

1711 b. when salmonids are present, the maintenance is in compliance with ditch  
1712 standards in public rule; and

1713 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
1714 culvert, engineered slope, or other improved area being maintained.

1715 49. Limited to alterations to create, restore, or enhance aquatic or wetland  
1716 habitat forming processes or ~~((directly restore))~~ habitat functions and values, including  
1717 access for construction, as follows:

1718 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~  
1719 ~~resource management as a primary function or by a federally recognized tribe;~~  
1720 b.) creation, restoration, and enhancement plans shall be prepared by an  
1721 ~~((qualified biologist)) ecological professional; ((or~~  
1722 ~~e. conducted in accordance with an approved forest management plan, farm~~  
1723 ~~management plan or rural stewardship plan)) and~~  
1724 b. the applicant provides an ecological critical area report that includes the  
1725 following:  
1726 (1) an evaluation of the anticipated net change in ecological functions from  
1727 pre-project to post project;  
1728 (2) a mitigation plan for impacts to critical areas and associated buffers,  
1729 unless the applicant demonstrates to the satisfaction of the department that the proposed  
1730 project will provide a net ecological benefit and increase in function over the existing  
1731 conditions of the project area; and  
1732 (3) a monitoring and reporting plan to demonstrate the gain of ecological  
1733 function.  
1734 50. Allowed in accordance with a scientific sampling permit issued by  
1735 Washington state Department of Fish and Wildlife or an incidental take permit issued  
1736 under Section 10 of the Endangered Species Act.  
1737 51. Allowed for the minimal clearing and grading, including site access,  
1738 necessary to prepare critical area reports.  
1739 52. The following are allowed if associated spoils are contained:

- 1740 a. data collection and research if carried out to the maximum extent practical  
1741 by nonmechanical or hand-held equipment;
- 1742 b. survey monument placement;
- 1743 c. site exploration and gage installation if performed in accordance with state-  
1744 approved sampling protocols and accomplished to the maximum extent practical by  
1745 hand-held equipment (~~and~~); or
- 1746 d. similar work associated with an incidental take permit issued under Section  
1747 10 of the Endangered Species Act or consultation under Section 7 of the Endangered  
1748 Species Act.

1749 53. Limited to activities in continuous existence since January 1, 2005, with no  
1750 expansion within the critical area or critical area buffer. "Continuous existence" includes  
1751 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
1752 states not exceeding seven years and associated with these horticultural and agricultural  
1753 activities.

1754 54. Allowed for expansion of existing or new agricultural activities where:

1755 a. the site is predominantly involved in the practice of (~~agriculture~~)  
1756 agricultural activities;

1757 b. there is no expansion into an area that:

1758 (1) has been cleared under a class I, II, III, IV-S<sub>2</sub> or nonconversion IV-G

1759 forest practice permit; or

1760 (2) is (~~more than ten thousand square feet with tree cover at a uniform~~  
1761 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~  
1762 ~~the trees at least four inches diameter at breast height~~) a wetland, wetland buffer, or

1763 riparian area that contains predominately native forest overstory, shrub, or herbaceous  
1764 layer, not including areas that are actively managed as agricultural crops for pulpwood,  
1765 Christmas trees, or ornamental nursery stock;

1766 c. the activities are in compliance with an approved farm management plan in  
1767 accordance with K.C.C. 21A.24.051; and

1768 d. all best management practices associated with the activities specified in the  
1769 farm management plan are installed and maintained.

1770 55. Only allowed in grazed or tilled wet meadows or ~~((their))~~ associated buffers  
1771 if:

1772 a. the facilities are designed to the standards of an approved farm management  
1773 plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ~~((or an~~  
1774 ~~approved livestock management plan in accordance with K.C.C. chapter 21A.30))~~);

1775 b. there is not a feasible alternative location available on the site; and

1776 c. the facilities are located close to the outside edge of the buffer to the  
1777 maximum extent practical.

1778 56. Only allowed in:

1779 a.(1) a severe channel migration hazard area located outside of the  
1780 shoreline~~((s))~~ jurisdiction area;

1781 (2) grazed or tilled wet meadow or wet meadow buffer; or

1782 (3) ~~((aquatic area buffer))~~ grazed or tilled riparian area; and only if:

1783 b.(1) the applicant demonstrates that adverse impacts to the critical area and  
1784 critical area buffers have been minimized;

1785 (2) there is ~~((not another))~~ no other feasible location available on the site that  
1786 is located outside of the critical area or critical area buffer;

1787 (3) the farm pad, livestock manure storage facility, or livestock heavy use  
1788 area is designed to the standards in an approved farm management plan in accordance  
1789 with K.C.C. 21A.24.051; and

1790 (4) for proposals located in the severe channel migration hazard area, the  
1791 farm pad, or livestock manure storage facility, or livestock heavy use area is located  
1792 where it is least subject to risk from channel migration.

1793 57. Allowed for new agricultural drainage in compliance with an approved farm  
1794 management plan in accordance with K.C.C. 21A.24.051 and all best management  
1795 practices associated with the activities specified in the farm management plan are  
1796 installed and maintained.

1797 58. If the agricultural drainage is used by salmonids, maintenance shall ~~((be in~~  
1798 ~~compliance))~~ comply with an approved farm management plan in accordance with  
1799 K.C.C. 21A.24.051.

1800 59. Allowed within existing landscaped areas or other previously disturbed  
1801 areas.

1802 60. Allowed for residential utility service distribution lines to residential  
1803 dwellings, including, but not limited to, well water conveyance, septic system  
1804 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

1805 a. there is no alternative location with less adverse impact on the critical area  
1806 or the critical area buffer;



1807            b. the residential utility service distribution lines meet ~~((all of))~~ the following,  
1808 to the maximum extent practical:

1809            (1) are not located over habitat used for salmonid rearing or spawning or by a  
1810 species listed as endangered or threatened by the state or federal government unless the  
1811 department determines that there is no other feasible crossing site;

1812            (2) not located over a type S aquatic area;

1813            (3) paralleling the channel or following a down-valley route near the channel  
1814 is avoided;

1815            (4) the width of clearing is minimized;

1816            (5) the removal of trees greater than twelve inches diameter at breast height is  
1817 minimized;

1818            (6) an additional, contiguous, and undisturbed critical area buffer, equal in  
1819 area to the disturbed critical area buffer area is provided to protect the critical area;

1820            (7) access for maintenance is at limited access points into the critical area  
1821 buffer.

1822            (8) the construction occurs during approved periods for instream work;

1823            (9) bored, drilled, or other trenchless crossings are ~~((is))~~ encouraged, and  
1824 shall be laterally constructed at least four feet below the maximum depth of scour for the  
1825 base flood; and

1826            (10) open trenching across Type O or Type N aquatic areas is only used  
1827 during low flow periods or only within aquatic areas when they are dry.

1828           61. Allowed if sponsored or cosponsored by the countywide flood control zone  
1829 district, or the department of natural resources and parks and the department of local  
1830 services, permitting division, determines that the project and its location:  
1831           a. is the best flood risk reduction alternative practicable;  
1832           b. is part of a comprehensive, long-term flood management strategy;  
1833           c. is consistent with the King County Flood Management Plan policies;  
1834           d. will have the least adverse impact on the ecological functions of the critical  
1835 area or ~~((its))~~ associated buffer, including habitat for fish and wildlife that are identified  
1836 for protection in the King County Comprehensive Plan; and  
1837           e. has been subject to public notice in accordance with K.C.C. 20.44.060.  
1838           62.a. Not allowed in wildlife habitat conservation areas;  
1839           b. Only allowed if:  
1840               (1) the project is sponsored or cosponsored by a public agency whose primary  
1841 function deals with natural resources management;  
1842               (2) the project is located on public land or on land that is owned by a  
1843 nonprofit agency whose primary function deals with natural resources management;  
1844               (3) there is not a feasible alternative location available on the site with less  
1845 impact to the critical area or ~~((its))~~ associated buffer;  
1846               (4) the aquatic area or wetland is not for salmonid rearing or spawning;  
1847               (5) the project minimizes the footprint of structures and the number of access  
1848 points to any critical areas; and  
1849               (6) the project meets the following design criteria:

1850 (a) to the maximum extent practical size of platform shall not exceed one  
1851 hundred square feet;

1852 (b) all construction materials for any structures, including the platform,  
1853 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as  
1854 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
1855 fiberglass, or cured concrete that the department determines will not have an adverse  
1856 impact on water quality;

1857 (c) the exterior of any structures are sufficiently camouflaged using netting  
1858 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
1859 practical. The camouflage shall be maintained to retain concealment effectiveness;

1860 (d) structures shall be located outside of the wetland or aquatic area  
1861 landward of the ~~(O)~~ordinary ~~(H)~~high ~~(W)~~water ~~(M)~~mark or open water  
1862 component, ~~(f)~~if applicable~~(t)~~, to the maximum extent practical on the site;

1863 (e) construction occurs during approved periods for work inside the  
1864 ~~(O)~~ordinary ~~(H)~~high ~~(W)~~water ~~(M)~~mark;

1865 (f) construction associated with bird blinds shall not occur from March 1  
1866 through August 31, in order to avoid disturbance to birds during the breeding, nesting,  
1867 and rearing seasons;

1868 (g) to the maximum extent practical, provide accessibility for persons with  
1869 physical disabilities in accordance with the International Building Code;

1870 (h) trail access is designed in accordance with public rules adopted by the  
1871 department;

1872 (i) existing native vegetation within the critical area will remain undisturbed  
1873 except as necessary to accommodate the proposal. Only minimal hand clearing of  
1874 vegetation is allowed; and

1875 (j) disturbed bare ground areas around the structure must be ~~((replanted))~~  
1876 revegetated with native vegetation or climate-smart plants approved by the department.

1877 63. Not allowed in the severe channel migration ~~((zone;))~~ hazard area.  
1878 Otherwise allowed if there is no alternative location with less adverse impact on the  
1879 critical area and buffer, and clearing is minimized to the maximum extent practical.

1880 64. Only structures wholly or partially supported by a tree and used as accessory  
1881 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
1882 following:

1883 a. not allowed in wildlife habitat conservation areas, wetlands, aquatic areas, or  
1884 severe channel migration hazard areas;

1885 b. the structure's floor area shall not exceed two hundred square feet, excluding  
1886 a narrow access stairway or landing leading to the structure;

1887 c. the structure shall be located as far from ~~((the critical area))~~ wetlands or  
1888 aquatic areas as practical, but in no case closer than seventy-five feet from ~~((the critical~~  
1889 ~~area))~~ a wetland or an aquatic area;

1890 d. only one tree-supported structure within a critical area buffer or riparian area  
1891 is allowed on a lot;

1892 e. all construction materials for the structure, including the platform, pilings,  
1893 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as  
1894 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,

1895 fiberglass, or cured concrete that the department determines will not have an adverse  
1896 impact on water quality;

1897 f. to the maximum extent practical, the exterior of the structure shall be  
1898 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
1899 and visibility from the critical area. The camouflage shall be maintained to retain  
1900 concealment effectiveness;

1901 g. the structure must not adversely impact the long-term health and viability of  
1902 the tree. The evaluation shall include, but not be limited to, the following:

1903 (1) the quantity of supporting anchors and connection points to attach the tree  
1904 house to the tree shall be the minimum necessary to adequately support the structure;

1905 (2) the attachments shall be constructed using the best available tree anchor  
1906 bolt technology; and

1907 (3) an ((ISA)) International Society of Arboriculture Certified Arborist shall  
1908 evaluate the tree proposed for placement of the tree house and shall submit a report  
1909 discussing how the tree's long-term health and viability will not be negatively impacted  
1910 by the tree house or associated infrastructure;

1911 h. exterior lighting shall meet the following criteria:

1912 (1) limited to the minimum quantity of lights necessary to meet the building  
1913 code requirements to allow for safe exiting of the structure and stairway; and

1914 (2) exterior lights shall be fully shielded and shall direct light downward, in  
1915 an attempt to minimize impacts to the nighttime environment;

1916 i. unless otherwise approved by the department, all external construction shall  
1917 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
1918 species during typical breeding, nesting, and rearing seasons;

1919 j. trail access to the structure shall be designed in accordance with trail  
1920 standards under subsection D.47. of this section;

1921 k. to the maximum extent practical, existing native vegetation shall be left  
1922 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1923 l. vegetated areas within the critical area buffer or riparian area that are  
1924 temporarily impacted by construction of the structure shall be restored by planting native  
1925 vegetation or climate-smart plants according to a ~~((vegetation management))~~ mitigation  
1926 plan approved by the department.

1927 65. Shoreline water dependent and shoreline water oriented uses are allowed in  
1928 ~~((the aquatic area and aquatic area buffer of a))~~ ~~((T))~~ type S aquatic area and adjacent  
1929 riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the King  
1930 County Comprehensive Plan.

1931 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the  
1932 requirements of K.C.C. 21A.08.100B.14., and only as follows:

1933 a. there is ~~((not another))~~ no other feasible location within the aquatic area with  
1934 less adverse impact on the critical area and ~~((its))~~ associated buffer;

1935 b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid  
1936 rearing or spawning or by a species listed as endangered or threatened by the state or  
1937 federal government unless the department determines that there is no other feasible  
1938 location;

1939 c. the facility is not located in Category I wetlands or Category II wetlands  
1940 with a habitat score of ((8)) eight points or greater;

1941 d. the corridor width is minimized to the maximum extent practical;

1942 e. paralleling the channel or following a down-valley route within ((~~an aquatic~~  
1943 ~~area buffer~~)) riparian area is avoided to the maximum extent practical;

1944 f. the construction occurs during approved periods for instream work;

1945 g. the facility and corridor will not change or adversely impact the overall  
1946 aquatic area flow peaks, duration or volume or the flood storage capacity;

1947 h. the facility and corridor ((~~is~~)) are not located within a severe channel  
1948 migration hazard area;

1949 i. to the maximum extent practical, buildings will be located outside the  
1950 wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~));

1951 j. to the maximum extent practical, access for maintenance is at limited access  
1952 points into the critical area or associated buffer rather than by a parallel maintenance  
1953 road. If a parallel maintenance road is necessary, the following standards are met:

1954 (1) to the maximum extent practical the width of the maintenance road is  
1955 minimized and in no event greater than fifteen feet; and

1956 (2) the location of the maintenance road is contiguous to the utility corridor  
1957 on the side of the utility corridor farthest from the critical area;

1958 k. the facility does not pose an unreasonable threat to the public health, safety,  
1959 or welfare on or off the development proposal site and is consistent with the general  
1960 purposes of this chapter and the public interest; and

1961                    1. the facility connects to or is an alteration to a public roadway, public trail, a  
1962 utility corridor or utility facility, or other infrastructure owned or operated by a public  
1963 utility.

1964                    67. Only hydroelectric (~~(generating)~~) generation facilities meeting the  
1965 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

1966                    a. there is no(~~(t-an)~~) other feasible location with less adverse impact on the  
1967 critical area and (~~(its)~~) associated buffer;

1968                    b. the alterations will not subject the critical area to an increased risk of  
1969 landslide or erosion;

1970                    c. the corridor width is minimized to the maximum extent practical;

1971                    d. vegetation removal is the minimum necessary to locate the utility or  
1972 construct the corridor;

1973                    e. the facility and corridor do not pose an unreasonable threat to the public  
1974 health, safety, or welfare on or off the development proposal site and (~~(is)~~) are consistent  
1975 with the general purposes of this chapter, and the public interest and significant risk of  
1976 personal injury (~~(is)~~) are eliminated or minimized in the landslide hazard area; and

1977                    f. the facility connects to or is an alteration to a public roadway, public trail, a  
1978 utility corridor or utility facility or other infrastructure owned or operated by a public  
1979 utility.

1980                    68. Only for a single detached dwelling unit on a lake twenty acres or larger and  
1981 only as follows:

1982                    a. the heat exchanger must be a closed loop system that does not draw water  
1983 from or discharge to the lake;



1984                    b. the lake bed shall not be disturbed, except as required by the county or a  
1985 state or federal agency to mitigate for impacts of the heat exchanger;  
1986                    c. the in-water portion of system is only allowed where water depth exceeds  
1987 six feet; and  
1988                    d. system structural support for the heat exchanger piping shall be attached to  
1989 an existing dock or pier or be attached to a new structure that meets the requirements of  
1990 K.C.C. 21A.25.180.

1991                    69. Only for maintenance of agricultural waterways if:

1992                    a. the purpose of the maintenance project is to improve agricultural production  
1993 on a site predominately engaged in the practice of agriculture;

1994                    b. the maintenance project is conducted in compliance with a hydraulic project  
1995 approval issued by the Washington state Department of Fish and Wildlife (~~pursuant to~~)  
1996 in accordance with chapter 77.55 RCW;

1997                    c. the maintenance project complies with the King County agricultural  
1998 drainage assistance program as agreed to by the Washington state Department of Fish and  
1999 Wildlife, the department of local services, permitting division, and the department of  
2000 natural resources and parks, and as reviewed by the Washington state Department of  
2001 Ecology;

2002                    d. the person performing the maintenance and the landowner have attended  
2003 training provided by King County on the King County agricultural drainage assistance  
2004 program and the best management practices required under that program; and

2005                    e. the maintenance project complies with K.C.C. chapter 16.82.

2006                    70. Only allowed within an alluvial fan hazard area, and overlapping critical  
2007 areas if:  
2008                    a. in response to an emergency event where channel avulsion or migration is  
2009 imminent or has occurred as a result of a pulse of in-channel sediment or debris  
2010 deposition;  
2011                    b. to prevent an imminent threat to:  
2012                    (1) public roadways, utilities, and other infrastructure;  
2013                    (2) sole access driveways and roads;  
2014                    (3) primary dwelling units, accessory dwelling units, or accessory living  
2015 quarters, and residential accessory structures;  
2016                    (4) agricultural activities structures necessary to store equipment, produce, or  
2017 livestock;  
2018                    c. conducted under an approved emergency authorization request per K.C.C.  
2019 16.082.065;  
2020                    d. the emergency work is completed within thirty days of receiving a written  
2021 emergency authorization;  
2022                    e. the emergency work is the minimum necessary bank stabilization, sediment  
2023 removal, or repair of existing infrastructure to mitigate the imminent threat;  
2024                    f. proposed in-stream work is minimized or results in the least adverse impact  
2025 in the short term to the ecological functions and values of the critical areas present,  
2026 including special consideration for fish or fish eggs in the project area;  
2027                    g. downstream sediment runoff and turbidity is minimized and does not exceed  
2028 the impact of the emergency event;

2029 h. the applicant provides sufficient notice of work to the department for a  
2030 department representative to be present at the site during work activities, if the  
2031 department determines that observation is necessary;  
2032 i. as part of the permitting process following the emergency authorization, the  
2033 applicant proposes compensatory mitigation and additional alterations as necessary to:  
2034 (1) mitigate any adverse ecological impacts of the emergency actions;  
2035 (2) minimize the risk of alluvial fan hazards that could result in the necessity  
2036 of future emergency actions to the maximum extent practical; and  
2037 (3) minimize to the maximum extent practical the frequency and magnitude  
2038 of future adverse ecological impacts that may result from future hazard mitigation  
2039 activities; and  
2040 j. nonemergency work required under the subsequent permit occurs during  
2041 approved periods for in-stream work and conforms to all other standards in this chapter.

2042 SECTION 42. Ordinance 15051, Section 138, as amended, and K.C.C.  
2043 21A.24.051 are hereby amended to read as follows:

2044 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are  
2045 allowed to expand within ~~((the buffers of))~~ wetland~~((s))~~ buffers, ~~((aquatic areas))~~ riparian  
2046 areas, and wildlife habitat conservation areas,)when an agricultural activity is currently  
2047 occurring on the site and the alteration is in compliance with an approved farm  
2048 management plan in accordance with this section or, for livestock activities, a farm  
2049 management plan in accordance with K.C.C. chapter 21A.30.

2050 B. This section does not modify any requirement that the property owner obtain  
2051 permits for activities covered by the farm management plan.

2052 C. The department of natural resources and parks or its designee shall serve as  
2053 the single point of contact for King County in providing information on farm  
2054 management plans for purposes of this title. The department of natural resources and  
2055 parks shall adopt a public rule governing the development of farm management plans.  
2056 The rule may provide for different types of farms management plans related to different  
2057 kinds of agricultural activities, including, but not limited to the best management  
2058 practices for livestock management, livestock crossing, livestock heavy use areas,  
2059 horticulture management, site development, farm pads, farm field access roads, and  
2060 agricultural drainage.

2061 D. The property owner or applicant may develop the farm management plan as  
2062 part of a program offered or approved by King County. A property owner or applicant  
2063 seeking to use the process to allow alterations in critical area buffers shall develop a farm  
2064 management plan based on the following goals, which are listed in order of priority:

- 2065 1. To maintain the productive agricultural land base and economic viability of  
2066 agriculture on the site;
- 2067 2. To maintain, restore, or enhance critical areas to the maximum extent  
2068 practical in accordance with the site-specific goals of the landowner;
- 2069 3. To the maximum extent practical in accordance with the site-specific goals of  
2070 the landowner, maintain, and enhance natural hydrologic systems on the site;
- 2071 4. To use federal, state, and local best management practices and best available  
2072 science for farm management to achieve the goals of the farm management plan; and

2073           5. To monitor the effectiveness of best management practices and implement  
2074 additional practices through adaptive management to achieve the goals of the farm  
2075 management plan.

2076           E. If a part or all of the site is located within the shoreline jurisdiction, the farm  
2077 management plan shall:

2078           1. Consider and be consistent with the goals of the shoreline management act  
2079 and the policies of the King County shoreline master program;

2080           2. Consider the priorities of the King County shoreline protection and  
2081 restoration plan; and

2082           3. Ensure no net loss of shoreline ecological functions and critical area  
2083 functional and values.

2084           F. ~~((The property owner or applicant may develop the farm management plan as~~  
2085 ~~part of a program offered or approved by King County.))~~ The plan shall include, but is  
2086 not limited to, the following elements:

2087           1. A site inventory identifying critical areas, structures, cleared and forested  
2088 areas, and other significant features on the site;

2089           2. Site-specific performance standards and best management practices to  
2090 maintain, restore or enhance critical areas and ~~((their))~~ associated buffers, and maintain  
2091 and enhance native vegetation on the site including the best management practices for the  
2092 installation and maintenance of farm field access drives and agricultural drainages;

2093           3. A plan for future changes to any existing structures or for any changes to the  
2094 landscape that involve clearing or grading;

2095 4. A plan for implementation of performance standards and best management  
2096 practices;

2097 5. A plan for monitoring the effectiveness of measures taken to protect critical  
2098 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm  
2099 management plan should occur if adverse impacts ~~((occur))~~ are identified.

2100 G. If applicable, a farm management plan shall include documentation of  
2101 compliance with flood compensatory storage and flood conveyance in accordance with  
2102 K.C.C. 21A.24.240.

2103 H. A farm management plan is not effective until approved by the county.  
2104 Before approval, the county may conduct a site inspection, ~~((which may be through a~~  
2105 ~~program offered or approved by King County;))~~ to verify that the plan is ~~((reasonably))~~  
2106 likely to accomplish the goals in subsection D. of this section and consistent with  
2107 subsection E. of this section.

2108 I. ~~((Once approved, a))~~ Activities carried out in compliance with the approved  
2109 farm management plan shall be deemed in compliance with this chapter. In the event of a  
2110 potential code enforcement action, ~~((the department of local services, permitting division,~~  
2111 ~~shall first inform the department of natural resources and parks of the activity. Before~~  
2112 ~~taking code enforcement action;))~~ the department of local services, permitting division,  
2113 shall consult with the department of natural resources and parks and the King  
2114 Conservation District to determine whether the activity is consistent with the farm  
2115 management plan.

2116 SECTION 43. Ordinance 15051, Section 140, as amended, and K.C.C.  
2117 21A.24.061 are hereby amended to read as follows:

2118           A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm  
2119 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural  
2120 resource land and rural area residents to establish and maintain a rural lifestyle that  
2121 includes activities such as farming ~~((and forestry))~~, while maintaining and enhancing  
2122 rural character and environmental quality.

2123           B. The department of natural resources and parks and department of local  
2124 services shall adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051  
2125 ~~((relating to rural stewardship plans and farm management plans))~~, consistent with the  
2126 provisions of this section. The rules shall ~~((not compromise))~~ be consistent with the King  
2127 Conservation District’s mandates or standards for farm management planning.

2128           C. County departments or approved agencies shall provide technical assistance  
2129 and resources to landowners to assist them in preparing the plans. The technical  
2130 assistance shall include, but is not limited to, web-based information, instructional  
2131 manuals, and classroom workshops. When possible, ~~((the assistance shall be provided at~~  
2132 ~~little or no cost to landowners))~~ the cost of such assistance shall be minimal to the  
2133 landowner. ~~((In addition, t))~~The department of natural resources and parks shall develop,  
2134 in consultation as necessary with the department of local services, permitting division,  
2135 and the King Conservation District, ~~((and make available to the public,))~~ model farm  
2136 management~~((, forest management and rural stewardship))~~ plans illustrating examples of  
2137 plan application content, drawings, and site plans, ~~((to assist landowners in their~~  
2138 ~~development of site-specific plans for their property))~~ and make available to the public.

2139           D. The department of natural resources and parks ~~((is))~~ shall be the primary  
2140 county agency responsible for ~~((rural stewardship plans and))~~ farm management plans

2141 that are filed with the county under this chapter. The department of natural resources and  
2142 parks shall consult with the department of local services, permitting division, in carrying  
2143 out ~~((its))~~ the responsibilities under this chapter relating to ~~((rural stewardship plans and))~~  
2144 farm management plans. The department of natural resources and parks, the department  
2145 of local services, permitting division, and the King Conservation District may enter into  
2146 agreements to carry out the provisions of this chapter relating to ~~((rural stewardship plans~~  
2147 ~~and))~~ farm management plans.

2148 E. The department of natural resources and parks and department of local  
2149 services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural~~  
2150 ~~stewardship and))~~ farm management plans in meeting the goals and objectives of those  
2151 plans established in this chapter.

2152 SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C.  
2153 21A.24.070 are hereby amended to read as follows:

2154 A. The director may approve exceptions to allow alterations to critical areas,  
2155 critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan  
2156 hazard areas, and severe channel hazard migration areas, not otherwise allowed by this  
2157 chapter as follows:

2158 1. For linear alterations, ~~((E))~~ except as otherwise provided in subsection A.2. of  
2159 this section ~~((, for linear alterations, the director may approve alterations to critical areas,~~  
2160 ~~critical area buffers and critical area setbacks only))~~ when all of the following criteria are  
2161 met:

2162 a. there is no feasible alternative to the development proposal with less adverse  
2163 impact on the critical area;



2164           b. the development proposal minimizes the adverse impact on critical areas to  
2165 the maximum extent practical;

2166           c. the ~~((approval))~~ exception does not require the modification of a critical area  
2167 development standard established by this chapter;

2168           d. the development proposal does not pose an unreasonable threat to the public  
2169 health, safety, or welfare on or off the development proposal site and is consistent with  
2170 the general purposes of this chapter and the public interest; and

2171           e. the linear alteration:

2172           (1) connects to or is an alteration to a public roadway, regional light rail  
2173 transit line, public trail, a utility corridor or utility facility, or other public infrastructure  
2174 owned or operated by a public utility; or

2175           (2) is required to overcome limitations due to gravity;

2176           2. In order to accommodate the siting of a regional light rail transit facility  
2177 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
2178 area buffers, and critical area setbacks not otherwise allowed by this chapter and may  
2179 impose reasonable conditions to minimize the impact of the light rail transit facility on  
2180 the critical area and ~~((its))~~ associated buffer; and

2181           3. For nonlinear alterations, except as otherwise provided in subsection A.3.h.  
2182 of this section, the director may approve exceptions to allow alterations to critical areas  
2183 except aquatic areas, wildlife habitat conservation areas, and wetlands, ~~((unless otherwise~~  
2184 ~~allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat~~  
2185 ~~conservation areas,))~~ and may approve alteration~~((s))~~ exceptions to critical area buffers  
2186 and critical area setbacks, when all of the following criteria are met:

2187 a. there is no feasible alternative to the development proposal with less adverse  
2188 impact on the critical area;

2189 b. the alteration is the minimum necessary to accommodate the development  
2190 proposal;

2191 c. the ~~((approval))~~ exception does not require the modification of a critical area  
2192 development standard established by this chapter;

2193 d. the development proposal does not pose an unreasonable threat to the public  
2194 health, safety, or welfare on or off the development proposal site and is consistent with  
2195 the general purposes of this chapter and the public interest;

2196 e. for dwelling units, no more than five thousand square feet or ten percent of  
2197 the site, whichever is greater, may be disturbed by structures, ~~((building))~~ critical area  
2198 setbacks, or other land alteration, including grading, utility installations, and maintained  
2199 yard and landscaping, but not including the area used for a driveway or for an on-site  
2200 sewage disposal system. When the site disturbance is within a critical area or associated  
2201 buffer, the ~~((building))~~ critical area setback line shall be measured from the ~~((building~~  
2202 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance;

2203 f. to the maximum extent practical, access is designed and located to have the  
2204 least adverse impact on the critical area and critical area buffer;

2205 g. the critical area is not ~~((used as a))~~ potential salmonid spawning ~~((area))~~  
2206 habitat; and

2207 h. the director may approve an alteration in a category II, III, and IV wetland  
2208 for development of a public school facility.

2209 B. The director may approve a reasonable use exception to allow alterations to  
2210 critical areas, critical area buffers, and critical area setbacks, except for flood hazard  
2211 areas, alluvial fan hazard areas, and severe channel hazard migration hazard areas, if the  
2212 application of this chapter would deny all reasonable use of the property as follow:

2213 1. If the critical area, critical area buffer, or critical area setback is outside of the  
2214 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this  
2215 subsection without first having applied for an alteration exception under this section if the  
2216 requested reasonable use exception includes relief from development standards for which  
2217 an alteration exception cannot be granted under this section. The director shall determine  
2218 that all ~~((e))~~ the following criteria are met:

2219 a. there is no other reasonable use with less adverse impact on the critical area;

2220 b. development proposal does not pose an unreasonable threat to the public  
2221 health, safety, or welfare on or off the development proposal site and is consistent with  
2222 the general purposes of this chapter and the public interest;

2223 c. any authorized alteration to the critical area or critical area buffer is the  
2224 minimum necessary to allow for reasonable use of the property; and

2225 d. for dwelling units, no more than five thousand square feet or ten percent of  
2226 the site, whichever is greater, may be disturbed by structures, ~~((building))~~ critical area  
2227 setbacks, or other land alteration, including grading, utility installations, and maintained  
2228 yard and landscaping but not including the area used for a driveway or for an on-site  
2229 sewage disposal system; and

2230 2. If the critical area, critical area buffer, or critical area setback is located  
2231 within the shoreline jurisdiction, the request for a reasonable use exception shall be  
2232 considered a request for a shoreline variance under K.C.C. 21A.44.090.

2233 C. For the purpose of this section:

2234 1. "Linear" alteration means infrastructure that supports development that is  
2235 linear in nature and includes public and private roadways, public trails, private  
2236 driveways, railroads, regional light rail transit, hydroelectric (~~generating~~) generation  
2237 facilities, utility corridors, and utility facilities; and

2238 2. (~~For purposes of subsections A. and B. of this section, a~~) Areas located  
2239 (~~within the shoreline jurisdiction that are~~) below the ordinary high water mark shall not  
2240 be included in calculating the site area.

2241 D. (~~Alteration e~~) Exceptions approved under this section shall meet the  
2242 mitigation requirements of this chapter.

2243 E. An applicant for an (~~alteration~~) exception shall submit a critical area report,  
2244 as required by K.C.C. 21A.24.110.

2245 F. An exception shall not be approved if the inability of the applicant to derive  
2246 reasonable use of the property is the result of actions by the current or prior property  
2247 owner.

2248 SECTION 45. Ordinance 10870, Section 456, as amended, and K.C.C.  
2249 21A.24.090 are hereby amended to read as follows:

2250 (~~If a development proposal site contains or is within a critical area, the applicant~~  
2251 ~~shall submit an affidavit which declares whether~~) An applicant for a permit for a

2252 development proposal or a critical area designation under K.C.C. 21A.24.500, as  
2253 recodified by this ordinance, shall provide the following:

2254 A. Disclosure of critical areas on the development proposal site or sites,  
2255 including mapped or identifiable critical areas within the distance equal to the largest  
2256 potential required critical area buffer applicable to the development proposal; and

2257 B. An affidavit indicating whether:

2258 1. The applicant has knowledge of any illegal alteration to ~~((any or all))~~ the  
2259 critical areas or associated buffers on the development proposal site or sites; and

2260 ~~((B-))~~ 2. The applicant previously has been found in violation of this chapter for  
2261 any property in King County, in accordance with K.C.C. Title 23. If the applicant  
2262 previously has been found in violation, the applicant ~~((shall))~~ must declare whether the  
2263 violation has been corrected to the satisfaction of King County.

2264 SECTION 46. K.C.C. 21A.24.500, as amended by this ordinance, is hereby  
2265 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2266 SECTION 47. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500  
2267 are hereby amended to read as follows:

2268 A.1. A property owner or the property owner's agent may request a critical area  
2269 designation for a site consisting of part or all of a ~~((site))~~ parcel, without seeking a permit  
2270 for a development proposal, by filing with the department a written application for a  
2271 critical area designation on a form provided by the department.

2272 2. ~~((If the request is for review of a portion of a site, t))~~ The application shall  
2273 include a map identifying ~~((the portion))~~ all areas of the ~~((site))~~ parcel for which the

2274 designation is sought. The designation shall not apply to any areas of the parcel other  
2275 than those identified in the application and approved by the department.

2276 ~~((2. The designation may include an evaluation or interpretation of the~~  
2277 ~~applicability of critical area buffers and other critical area standards to a future~~  
2278 ~~development proposal.))~~

2279 3. If deemed necessary by the department, supporting critical area reports,  
2280 prepared in accordance with K.C.C. 21A.24.110, may be required.

2281 4. The review by the department shall evaluate, determine, and document the  
2282 existence, location, and classification of the critical areas within the areas indicated on  
2283 the application.

2284 B. ~~((In preparing the critical area designation, the department shall perform a~~  
2285 ~~critical area review to:~~

2286 ~~1. Determine whether any critical area exists on the site and confirm its type,~~  
2287 ~~location, boundaries and classification;~~

2288 ~~2. Determine whether a critical area report is required to identify and~~  
2289 ~~characterize the location, boundaries and classification of the critical area;~~

2290 ~~3. Evaluate the critical area report, if required; and~~

2291 ~~4. Document the existence, location and classification of any critical area.~~

2292 C. ~~If required by the department, the applicant for a critical area designation shall~~  
2293 ~~prepare and submit to the department the critical area report required by subsection B.2.~~  
2294 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~  
2295 ~~aquatic areas, the applicant may elect to have the department conduct the special study in~~  
2296 ~~accordance with K.C.C. Title 27;~~

2297           D.) The department shall ~~((make the determination of))~~ issue a critical area  
2298 designation in writing within one\_hundred\_twenty\_days after the application for a critical  
2299 area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.  
2300 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. ~~((If the~~  
2301 ~~determination applies to less than an entire site, t))~~The determination shall clearly  
2302 identify the portion of the ~~((site))~~ parcel to which the determination applies.

2303           ~~((E.1.))~~ C. The written determination made under this section is final and  
2304 effective for five years from the date of issuance as to the existence, location,  
2305 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2306           ~~((a.))~~ 1. ~~((t))~~The determination shall be revised if:

2307           ~~((b.))~~ 2. New or additional information becomes available that conflicts with or  
2308 invalidates information that formed the basis of the department's determination,  
2309 including, but not limited to, discovery of an unpermitted critical area alteration, or the  
2310 adoption of revised methods for critical area classification; or

2311           3. A county, state, or federal agency adopts critical area maps that conflict with  
2312 the department's written determination.

2313           ~~((2. As part of its review of a complete application for a permit or approval, the~~  
2314 ~~department shall establish whether the written determination is still effective.~~

2315           ~~F. If the department designates critical areas on a site under this section, the~~  
2316 ~~applicant for a development proposal on that site shall submit proof that a critical area~~  
2317 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~  
2318 ~~subsection, the department's determination under this section is final. If the department~~  
2319 ~~relies on a critical area designation made under this section during its review of an~~

2320 application for a permit or other approval of a development proposal and the permit or  
2321 other approval is subject to an administrative appeal, any appeal of the designation shall  
2322 be consolidated with and is subject to the same appeal process as the underlying  
2323 development proposal. If the King County hearing examiner makes the county's final  
2324 decision with regard to the permit or other approval type for the underlying development  
2325 proposal, the hearing examiner's decision constitutes the county's final decision on the  
2326 designation. If the King County council, acting as a quasi-judicial body, makes the  
2327 county's final decision with regard to the permit or other approval type for the underlying  
2328 development proposal, the King County council's decision constitutes the county's final  
2329 decision on the designation.))

2330 SECTION 48. Ordinance 10870, Section 457, as amended, and K.C.C.

2331 21A.24.100 are hereby amended to read as follows:

2332 A. ~~((Before any))~~ Prior to clearing, grading, or site preparation, the department  
2333 shall perform a critical area review ~~((for any))~~ of development proposal permit  
2334 applications or other request for permission to alter a site to determine ~~((whether there~~  
2335 ~~is))~~:

2336 1. The existence, location, and classification of ((A)) critical areas on the  
2337 ~~((development proposal site))~~ parcel;

2338 2. ~~((An active breeding site of a protected species on the development proposal~~  
2339 ~~site; or~~

2340 3. ~~A critical area or active breeding site of a protected species that has been~~  
2341 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~  
2342 ~~from the boundaries of the site))~~ The existence, location, and classification of critical



2343 areas within three hundred feet of the site that can be identified by use of available data  
2344 and methods including, but not limited to, visual observations from right-of-way or  
2345 property with right of entry, mapping, aerial imagery, critical area determinations for  
2346 other permits, and available critical area reports;

2347 3. The boundaries of critical area buffers and critical area setbacks that apply to  
2348 the site and area within three hundred feet of the site, consistent with the standards and  
2349 regulations of this chapter; and

2350 4. Compliance with all other standards and regulations of this chapter.

2351 B. As part of the critical area review, the department shall review ~~((the critical~~  
2352 ~~area reports and determine))~~ whether:

2353 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area  
2354 designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as  
2355 recodified by this ordinance;

2356 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical  
2357 area report or reports are required with the application under K.C.C. 21A.110;

2358 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,  
2359 associated buffers, and critical area setbacks have been applied to the site and accurately  
2360 identified, delineated, and classified within the application documents;

2361 4. ~~((The sequence))~~ Proposed alterations prioritize avoidance and minimization  
2362 measures, followed by mitigation requirements in K.C.C. 21A.24.125 ~~((has been~~  
2363 ~~followed to avoid impacts to critical areas and critical area buffers))~~; ~~((and))~~

2364 5. Proposed ~~((M))~~mitigation measures required to compensate for unavoidable  
2365 adverse impacts to critical areas ~~((is required and whether the mitigation and monitoring~~

2366 ~~plans and bonding measures proposed by the applicant are sufficient to protect the~~  
2367 ~~general public health, safety and welfare;))~~ and associated buffers are in compliance with  
2368 K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and

2369 6. Proposed alterations are consistent with the goals, purposes, objectives, and  
2370 requirements of this chapter.

2371 C. If a development proposal does not involve any site disturbance, clearing, or  
2372 grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04,  
2373 critical area review is not required, unless the development proposal is located within a:

- 2374 1. Flood hazard area;
- 2375 2. Critical aquifer recharge area; or
- 2376 3. Landslide hazard area, steep slope hazard area, seismic hazard area, or coal  
2377 mine hazard area and the proposed development will cause additional loads on the  
2378 foundation, such as by expanding the habitable square footage of the structure or by  
2379 adding or changing structural features that change the load bearing characteristics of the  
2380 structure.

2381 D. The determinations made under critical area review of a development proposal  
2382 permit application shall be consolidated with and subject to the same appeal process as  
2383 the underlying development proposal, except for any determinations made under an  
2384 effective critical area designation under K.C.C. 21A.24.500, as recodified by this  
2385 ordinance, that are classified as an independent decision under K.C.C. 20.20.020.

2386 SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C.  
2387 21A.24.110 are hereby amended to read as follows:

2388 A. An ~~((applicant))~~ application for a development proposal that requires critical  
2389 area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this  
2390 ordinance, shall submit a critical area report at a level determined by the department to  
2391 adequately evaluate the proposal and all probable impacts in accordance with the  
2392 applicable critical area report criteria of this chapter.

2393 B. The applicant may combine a critical area report with ~~((any))~~ additional  
2394 studies required by other laws and regulations.

2395 C. If the development proposal will affect only a part of the development  
2396 proposal site, the department may limit the scope of the required critical area report to  
2397 include only that part of the site that is affected by the development proposal.

2398 D.1. Floodplain development that was not assessed through the King County  
2399 Programmatic Habitat Assessment prepared for the National Flood Insurance program  
2400 and the Endangered Species Act shall include an assessment of the impact of the  
2401 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2402 a. ~~((A))~~a Biological Evaluation or Biological Assessment that has received  
2403 concurrence from the United States Fish and Wildlife Service or the National Marine  
2404 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2405 b. ~~((D))~~documentation that the activity fits within a Habitat Conservation Plan  
2406 approved pursuant to Section 10 of the Endangered Species Act;

2407 c. ~~((D))~~documentation that the activity fits within Section 4(d) of the  
2408 Endangered Species Act;

2409 d. ~~((A))~~an assessment prepared in accordance with Regional Guidance for  
2410 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

2411 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or~~  
2412 ~~more))~~ of the following:

2413 (1) the primary constituent elements identified when a species is listed as  
2414 threatened or endangered;

2415 (2) Essential Fish Habitat designated by the National Marine Fisheries  
2416 Service;

2417 (3) fish and wildlife habitat conservation areas;

2418 (4) vegetation communities and habitat structures;

2419 (5) water quality;

2420 (6) water quantity, including flood and low flow depths, volumes, and  
2421 velocities;

2422 (7) the river or stream channel's natural planform pattern and migration  
2423 process;

2424 (8) spawning substrate, if applicable; and

2425 (9) floodplain refugia, if applicable.

2426 2. The department ~~((must))~~ shall require ~~((a))~~ projects with adverse ~~((effects))~~  
2427 impacts on critical areas or associated buffers to ~~((comply with the impact))~~ prioritize  
2428 avoidance((;)) and minimization ((and)) measures, followed by mitigation requirements  
2429 of K.C.C. 21A.24.125 and 21A.24.130.

2430 NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24  
2431 a new section to read as follows:

2432 A. An applicant for a development proposal that requires geological critical area  
2433 review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level

2434 of detail determined by the department to adequately evaluate the proposal and all  
2435 probable impacts.

2436 B. The geological critical area report shall address all areas of the proposed  
2437 development site and geologically hazardous areas within three hundred feet of the site or  
2438 that have the potential to affect or be affected by the proposal.

2439 C. The geological critical area report shall be prepared, stamped, and signed by a  
2440 geological professional.

2441 D. The geological critical area report shall contain, at a minimum, the following  
2442 information:

2443 1. A description of site conditions that includes:

2444 a. existing development including structures, impervious surfaces, wells, drain  
2445 fields, drain field reserve areas, roads, easements, and utilities on the site;

2446 b. the quantity and type of existing vegetation cover;

2447 c. a description of the ground surface inclination in percent gradient; and

2448 d. the location or evidence of any springs, seeps, or other expressions of  
2449 groundwater.

2450 2. A evaluation of the geological conditions of the site that includes:

2451 a. references to mapped geological soil and bedrock units, seismic faults,  
2452 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and  
2453 historical coal mines;

2454 b. available geotechnical reports, well logs, or other data sources within the  
2455 vicinity of the site;

- 2456 c. geomorphological features of the site visible through site inspection, aerial  
2457 photography, LIDAR imagery, or topographic contours;
- 2458 d. on-site soil explorations of sufficient location, distribution, and depth to  
2459 adequately characterize the subsurface conditions of the site;
- 2460 e. engineering properties of the subsurface soils or bedrock or both on site and  
2461 adjacent properties; and
- 2462 f. identification of all existing fill areas;
- 2463 3. A hazard analysis and finding of risks associated with relevant geologic  
2464 hazards and the potential impacts to public safety, the hazard area, and the subject  
2465 property including, but not limited to:
- 2466 a. slope stability;
- 2467 b. liquefaction hazard;
- 2468 c. debris runout;
- 2469 d. channel migration;
- 2470 e. erosion rates, slope recession rates, and potential impacts to existing or  
2471 proposed development from waves or currents, stream meandering, or other erosional  
2472 forces to determine the recommended solution for bank or shoreline stabilization; and
- 2473 f. additional information required by K.C.C. 21A.25.170, if applicable;
- 2474 4. An evaluation of proposed development which includes;
- 2475 a. location and description of proposed development activity;
- 2476 b. method of drainage and locations of all existing and proposed surface and  
2477 subsurface drainage facilities and patterns, including infiltration testing or other

2478 geological review specifics as required by the King County Surface Water Design  
2479 Manual;

- 2480 c. locations and methods for temporary and permanent erosion control;
- 2481 d. recommendations for structure siting limitations, including buffers and  
2482 setbacks, in accordance with the development standards of geologically hazardous areas  
2483 in this chapter;
- 2484 e. recommendations for engineering mitigation of hazards; and
- 2485 f. recommendations for vegetation management to mitigate hazards;

2486 5. A determination stating whether the proposed alterations minimize risks to  
2487 people and development on and off the site in accordance with the development standards  
2488 of this chapter, and rationale to support the determination based on the presented data,  
2489 analysis, and scientific and engineering practice;

2490 6. A site plan that includes:

- 2491 a. the topography with vertical contour intervals of five feet or less unless the  
2492 underlying project permit requires a smaller interval;
- 2493 b. significant geologic contacts, landslides, or downslope soil movement on  
2494 and within three hundred feet of the site;
- 2495 c. all identified geologically hazardous areas, buffers, and critical area  
2496 setbacks;
- 2497 d. exploration locations;
- 2498 e. locations of proposed development and clearing limits, if known, and  
2499 f. transects of any provided cross-sections;

2500           7. All subsurface exploration logs, test logs and results, and other data sources  
2501 used in the analyses, and

2502           8. Any other information determined by the department to be necessary to  
2503 determine compliance with this chapter including, but not limited to, the use of LIDAR,  
2504 technical reports, soil field or laboratory testing, studies or documents related to geologic  
2505 hazards, and models for estimating how far landslide materials will travel.

2506           E. The department shall require a project with adverse impacts to prioritize  
2507 avoidance and minimization measures, followed by mitigation requirements of K.C.C.  
2508 21A.24.125 and 21A.24.130.

2509           NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24  
2510 a new section to read as follows:

2511           A. An applicant for a development proposal that requires ecological critical area  
2512 review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level  
2513 of detail determined by the department to adequately evaluate the proposal for all  
2514 probable impacts.

2515           B. The ecological critical area report shall address all areas of the proposed  
2516 development site and ecological critical areas within three hundred feet of the site or that  
2517 have the potential to affect or be affected by the proposal. Ecological critical areas  
2518 include wetlands and all fish and wildlife habitat conservation areas.

2519           C. The ecological critical area report shall be prepared and signed by an  
2520 ecological professional.

2521           D. The ecological critical area report shall contain, at a minimum, the following  
2522 information:



- 2523 1. A wetland, aquatic area, and riparian area delineation report that includes:
- 2524 a. identification of wetlands and delineation of associated boundaries in
- 2525 accordance with the approved federal wetland delineation manual and applicable regional
- 2526 supplement as set forth in WAC 173-22-035, including completed data forms and data
- 2527 point locations to demonstrate the presence or absence of wetland conditions;
- 2528 b. rating of wetlands in accordance with the Washington State Wetland Rating
- 2529 System for Western Washington Version 2.0, Washington state Department of Ecology
- 2530 publication number 23-06-009, published 2014 and updated 2023, including completed
- 2531 rating forms;
- 2532 c. identification of aquatic area locations, typing, and ordinary high water
- 2533 marks;
- 2534 d. identification of severe channel migration hazard areas and floodplains; and
- 2535 e. determination of applicable wetland buffers and riparian areas;
- 2536 2. A wildlife study and habitat assessment that identifies any known nests or
- 2537 breeding sites and potential habitat for any federal or state listed endangered, threatened,
- 2538 sensitive, or candidate species or King County species of local importance, and delineates
- 2539 any known wildlife habitat conservation areas and wildlife habitat networks;
- 2540 3. A description of existing onsite and adjacent site conditions that includes:
- 2541 a. existing development including, but not limited to, structures, roads,
- 2542 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing
- 2543 development is not legally established;
- 2544 b. the extent and dominant species composition of existing vegetative cover;

2545 c. existing hydrologic characteristics of any wetland or aquatic areas, including  
2546 sources of hydrology;

2547 d. functions and values of all critical areas found; and

2548 e. location, species, and diameter at breast height of trees three inches in  
2549 diameter at breast height or larger within critical areas and associated buffers that are  
2550 within the proposed clearing limits and within striking distance of the proposed  
2551 development. The department may require tree locations to be surveyed;

2552 4. If unavoidable impacts to critical areas or buffers are proposed, an impact  
2553 analysis that includes:

2554 a. demonstration that adverse impacts prioritized avoidance and minimization  
2555 measures, followed by mitigation sequencing in K.C.C. 21A.24.125.

2556 b. calculation of square footage of direct permanent impacts to each critical  
2557 area and buffer;

2558 c. calculation of square footage of temporary impacts to each critical area and  
2559 associated buffer, and estimation of the time required for ecological functions to be  
2560 restored;

2561 d. calculation of indirect impacts to wetlands in accordance with Wetland  
2562 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2  
2563 Washington state Department of Ecology, publication number 21-06-003, published  
2564 April 2021;

2565 e. description of vegetation, habitat, functions, and values of each critical area  
2566 that will be lost or modified due to the proposed impacts;

- 2567           f. an analysis demonstrating that the hydrology of remaining wetlands on or  
2568 adjacent to the site will not be substantially impacted by the project, using the wetland  
2569 hydrology protection guidelines in the King County Surface Water Design Manual; and
- 2570           g. a tree risk assessment prepared by an arborist certified by the International  
2571 Society of Arboriculture for any hazard trees proposed for removal within critical areas  
2572 or associated buffers;
- 2573           5. A mitigation plan that includes:
- 2574           a. evaluation of on-site potential for enhancement, rehabilitation, restoration,  
2575 or creation of critical areas and associated buffers for which mitigation is required;
- 2576           b. description of on-site mitigation activities proposed and justification that  
2577 impacts will be adequately offset to ensure no net loss of critical area functions and  
2578 values, including use of the credit-debit method as applicable for wetland impacts in  
2579 accordance with Washington state Department of Ecology's Calculating Credits and  
2580 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,  
2581 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;
- 2582           c. calculations of mitigation area required for permanent impacts or long-term  
2583 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;
- 2584           d. calculation of restoration area required for temporary impacts where  
2585 ecological functions are expected to be restored within one year;
- 2586           e. depiction of proposed mitigation and restoration areas and example of  
2587 planting plan, including irrigation if applicable;
- 2588           f. plan for installation of wildlife lighting;

- 2589           g. depiction of wildlife-passable fencing and permanent critical area signs at  
2590 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and  
2591           h. justification for and description of any proposed off-site mitigation,  
2592 including location, methods, quantities, and demonstration that equivalent or greater  
2593 ecological functions will be achieved;
- 2594           6. A monitoring plan that includes:
- 2595           a. a monitoring schedule of five years, unless otherwise directed by the  
2596 department;
- 2597           b. success criteria for mitigation activities to meet at the end of each  
2598 monitoring year;
- 2599           c. monitoring methods sufficient to determine if success criteria are being met  
2600 throughout the mitigation area;
- 2601           d. a maintenance plan to ensure success criteria are met; and
- 2602           e. a contingency plan if it is determined that mitigation fails to meet success  
2603 criteria;
- 2604           7. A site plan depicting:
- 2605           a. mapped locations of all on-site critical areas and approximated locations of  
2606 all off-site critical areas within three hundred feet of the site;
- 2607           b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24;
- 2608           c. critical area setback lines applied in accordance with K.C.C. 21A.24.200;
- 2609           d. existing and proposed alterations, including but not limited to structures,  
2610 impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and
- 2611           e. all property lines, setbacks, and easements; and

2612 8. Additional information determined by the department to be necessary to  
2613 comply with this chapter.

2614 SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C.

2615 21A.24.130 are hereby amended to read as follows:

2616 A. If mitigation is required under this chapter to compensate for adverse impacts,  
2617 ~~((unless otherwise provided, an applicant shall:~~

2618 ~~1. Mitigate adverse impacts to:~~

2619 ~~a. critical areas and their buffers; and~~

2620 ~~b. the development proposal as a result of the proposed alterations on or near~~  
2621 ~~the critical areas; and~~

2622 ~~2. Monitor the performance of any required mitigation))~~ the mitigation shall be  
2623 designed to:

2624 1. Achieve no net loss of critical area ecological functions for the entire scope of  
2625 the development; and

2626 2. Not create adverse impacts on other critical area functions.

2627 B. When mitigation measures are appropriate under the avoidance, minimization,  
2628 and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall

2629 be given to measures that replace the impacted functions directly and in the immediate  
2630 vicinity of the impact. The department may approve alternative mitigation within the

2631 watershed if the mitigation addresses limiting factors or identified critical needs for  
2632 critical area resource conservation based on watershed or comprehensive resource

2633 management plans applicable to the area of impact. The department shall require

2634 appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical

2635 area ecological functions as conditions of approval for mitigation measures, which may  
2636 include conservation easements, financial guarantees, and performance monitoring.

2637 C. The department shall not approve a development proposal until mitigation and  
2638 monitoring plans are ~~((in place))~~ established ~~((to mitigate for alterations to critical areas~~  
2639 ~~and buffers))~~ and financial guarantees have been posted in accordance with K.C.C. Title  
2640 27A.

2641 ~~((C.))~~ D. Whenever mitigation is required, an applicant shall submit a critical  
2642 area report ~~((that includes:~~

2643 ~~1. An analysis of potential impacts;~~

2644 ~~2. A mitigation plan that meets the specific mitigation requirements in this~~  
2645 ~~chapter for each critical area impacted; and~~

2646 ~~3. A monitoring plan that includes:~~

2647 ~~a. a demonstration of compliance with this title;~~

2648 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~  
2649 ~~impacts if:~~

2650 ~~(1) the department determines that failure of the mitigation would result in a~~  
2651 ~~significant impact on the critical area or buffer; or~~

2652 ~~(2) the mitigation involves the creation of a wetland; and~~

2653 ~~c. a monitoring schedule that may extend throughout the impact of the activity~~  
2654 ~~or, for hazard areas, for as long as the hazard exists.~~

2655 ~~D.))~~ in accordance with this chapter.

2656 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves  
2657 ~~((the))~~ all applicable mitigation and monitoring plans. The applicant shall notify the

2658 department when mitigation is installed and monitoring ~~((is))~~ has commenced and shall  
2659 provide King County with reasonable access to the ~~((mitigation))~~ site for the purpose of  
2660 inspections during ~~((any))~~ the monitoring period.

2661 ~~((E-))~~ F. If monitoring reveals a significant deviation from predicted impact or a  
2662 failure of mitigation requirements, the applicant shall implement an approved  
2663 contingency plan. The contingency plan constitutes new mitigation and is subject to all  
2664 mitigation requirements, including a revised monitoring plan and revised financial  
2665 guarantee requirements.

2666 SECTION 53. Ordinance 15051, Section 151, as amended, and K.C.C.  
2667 21A.24.133 are hereby amended to read as follows:

2668 A. To the maximum extent practical, ~~((an applicant shall mitigate))~~ and after  
2669 application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse  
2670 impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat  
2671 conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the  
2672 development site. The department may approve mitigation that is off-site ~~((the~~  
2673 ~~development site))~~ if an applicant demonstrates that:

- 2674 1. It is not practical to mitigate on or contiguous to the development proposal  
2675 site; and
- 2676 2. The off-site mitigation will achieve equivalent or greater hydrological, water  
2677 quality, and ~~((wetland or aquatic area))~~ habitat functions.

2678 B. When off-site mitigation is authorized, the department shall give priority to  
2679 locations within the same drainage subbasin as the development proposal site that meet  
2680 the following:

2681 1. Mitigation banking sites and resource mitigation reserves as authorized by  
2682 this chapter;

2683 2. Private mitigation sites that are established in compliance with the  
2684 requirements of this chapter and approved by the department; ~~((and))~~ or

2685 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~  
2686 supported by ecological assessments, including wetland and aquatic areas established as  
2687 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

2688 C. The department ~~((may))~~ shall require documentation that the mitigation site  
2689 has been permanently preserved from future development or alteration that would be  
2690 inconsistent with the functions of the mitigation. The documentation may include, but is  
2691 not limited to, a conservation easement or other agreement between the applicant and  
2692 owner of the mitigation site. King County may enter into agreements or become a party  
2693 to any easement or other agreement necessary to ensure that the site continues to exist in  
2694 its mitigated condition.

2695 D. The department shall maintain a list of sites available for use for off-site  
2696 mitigation projects.

2697 E.1. ~~((The department and the department of natural resources and parks have  
2698 develop a program to allow the payment of a fee in lieu of providing mitigation on a  
2699 development site.))~~ The department may approve mitigation through the King County  
2700 mitigation reserve program. The program addresses:

2701 a. when the payment of a fee is allowed considering the availability of a site in  
2702 geographic proximity with comparable hydrologic and biological functions and potential  
2703 for future habitat fragmentation and degradation; and



2704 b. the use of the fees for mitigation on public or private sites that have been  
2705 ~~((ranked according to ecological criteria through one or more programs that have~~  
2706 ~~included a public process))~~ selected using a watershed approach, in accordance with the  
2707 approved in-lieu fee program instrument.

2708 2. The in lieu fee mitigation program shall submit a report by May 1 in the first  
2709 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an  
2710 electronic copy with the clerk of the council, who shall retain the original and provide an  
2711 electronic copy to all councilmembers, the council chief of staff and the lead staff for the  
2712 transportation economy and environment committee or its successor. The report should  
2713 address the following:

- 2714 a. information on the amount and source of revenues received by the program;
- 2715 b. a description and rationale for projects selected for funding;
- 2716 c. an accounting of budgeted and actual expenditures made; and
- 2717 d. the status of all projects approved in the previous five years, and anticipated  
2718 completion date for those projects, if not yet complete.

2719 SECTION 54. Ordinance 10870, Section 464, as amended, and K.C.C.  
2720 21A.24.170 are hereby amended to read as follows:

2721 A. Except as otherwise provided in subsection ~~((ef))~~ C. of this section, the owner  
2722 of any property containing critical areas or buffers on which a development proposal is  
2723 submitted or any property on which mitigation is established as a result of development  
2724 shall file a notice on title approved by King County with the records and licensing  
2725 services division. The notice shall inform the public of:

- 2726 1. The presence of critical areas or buffers or mitigation sites on the property;

2727 2. The application of this chapter to the property; ~~((and))~~  
2728 3. The possible existence of limitations on actions in or affecting the critical  
2729 areas or buffers or the fact that mitigation sites may exist; and  
2730 4. The existence of approved wetland buffer or riparian area averaging on the  
2731 property.

2732 B. The applicant for a development proposal shall submit proof that the notice  
2733 required by this section has been filed for public record before King County approves any  
2734 development proposal for the property or, in the case of subdivisions, short subdivisions,  
2735 and binding site plans, at or before recording of the subdivision, short subdivision, or  
2736 binding site plan.

2737 C. The notice required under subsection A. of this section is not required if:

- 2738 1. The property is a public right-of-way or the site of a permanent public  
2739 facility;
- 2740 2. The development proposal does not require ~~((sensitive))~~ critical area review  
2741 under K.C.C. 21A.24.100.C; or
- 2742 3. The property only contains a critical aquifer recharge area or an erosion  
2743 hazard area.

2744 D. Notices on title shall run with the land regardless of ownership, use, or land  
2745 division. However, a property owner may apply to the county to have a notice on title  
2746 removed or amended, under either of the following circumstances:

- 2747 1. The department, as part of a critical area review of a permit application,  
2748 determines the information contained in an existing notice on title is no longer accurate  
2749 because information about a critical area has changed, such as in its type or location; or

2750           2. An ordinance adopted an updated critical areas map indicating a  
2751 reclassification or declassification of the critical area on the subject property.

2752           SECTION 55. Ordinance 10870, Section 465, as amended, and K.C.C.  
2753 21A.24.180 are hereby amended to read as follows:

2754           A. ~~((The applicant))~~ Critical area tracts established under this section protect with  
2755 the goal of enhancing critical area functions and values, including, but not limited to,  
2756 providing fish and wildlife habitat, and protecting the public from geologic hazards and  
2757 increased stormwater runoff. Development proposals for subdivisions, short  
2758 subdivisions, or binding site plans shall establish and identify critical area tracts to  
2759 delineate and protect ~~((those))~~ critical areas and associated buffers listed ~~((below in~~  
2760 ~~development proposals for subdivisions, short subdivisions or binding site plans))~~ in  
2761 subsection A.1. through 7. of this section, and shall record the tracts on all documents of  
2762 title of record for all affected lots:

- 2763           1. ~~((All))~~Landslide hazard areas and buffers that are one acre or more in size;
- 2764           2. ~~((All-s))~~Steep slope hazard areas and buffers that are one acre or more in size;
- 2765           3. ~~((All-w))~~Wetlands and buffers; ~~((and))~~
- 2766           4. ~~((All-a))~~Aquatic areas ~~((and buffers));~~
- 2767           5. Riparian areas;
- 2768           6. Alluvial fan hazard areas that are one acre or more in size; and
- 2769           7. Wildlife habitat networks.

2770           B. A critical area tract established under subsection A. of this section shall be  
2771 either:

2772           1. ~~((h))~~Held in an undivided interest by each owner of a building lot within the  
2773 development with this ownership interest passing with the ownership of the lot~~((s))~~; or

2774           2. ~~((shall be h))~~Held by an incorporated homeowner's association or other legal  
2775 entity that ensures the ownership, maintenance, and protection of the tract.

2776           C. ~~((The long term management goals for critical area tracts established under  
2777 subsection A. of this section are to protect and enhance critical area functions and values,  
2778 including, but not limited to, providing fish and wildlife habitat and protecting the public  
2779 from geologic hazards and increased stormwater runoff.))~~ The specific management  
2780 strategy for each tract shall be clearly defined before preliminary approval of the  
2781 subdivision or binding site plan.

2782           D. For an off-site critical area mitigation area, the applicant shall place the  
2783 mitigation area in a critical area tract in accordance with subsection A. of this section, or  
2784 in a perpetual conservation easement as approved by the director.

2785           E. In lieu of the requirements of subsections A. and D. of this section, the director  
2786 may allow an applicant to include critical areas in resource tracts established under  
2787 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the  
2788 purpose of the resource portion is for resource management and the purpose of the  
2789 designated critical areas is for critical area protection and enhancement and protecting the  
2790 public from geologic hazards and increased stormwater runoff.

2791           ~~((E.))~~ F. Site plans submitted as part of building permits, clearing, and grading  
2792 permits, or other development permits shall include and delineate:

2793           1. ~~((All f))~~Flood hazard areas, as determined by King County in accordance  
2794 with K.C.C. 21A.24.230;

- 2795 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard  
2796 areas;
- 2797 3. Aquatic areas, riparian areas, and wetlands;
- 2798 4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;
- 2799 5. Critical area ~~((B))~~ buffers; and
- 2800 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

2801 ~~((F-))~~ G. If only a part of the development site has been mapped, the part of the  
2802 site that has not been mapped shall be clearly identified and labeled on the site plans.

2803 SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C.  
2804 21A.24.200 are hereby amended to read as follows:

2805 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures  
2806 shall be set back a minimum distance of fifteen feet from the edges of all critical area  
2807 buffers, or from the edges of all critical areas ~~((, if no buffers are required))~~ where buffers  
2808 are not required. ~~((When the))~~ If site disturbance is within a critical area or an associated  
2809 buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building~~  
2810 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance. The  
2811 following are allowed in the ~~((building))~~ critical area setback area:

- 2812 A. Landscaping;
- 2813 B. Uncovered decks less than eighteen inches above grade;
- 2814 C. Building overhangs if the overhangs do not extend more than eighteen inches  
2815 into the setback area;
- 2816 D. Impervious ground surfaces, such as driveways and patios ~~((, but the))~~;  
2817 however, improvements are required to meet any special drainage provisions specified in

2818 public rules adopted for ~~((the various))~~ critical areas and the King County Surface Water  
2819 Design Manual;

2820 E. Utility service connections as long as the excavation for installation avoids  
2821 impacts to the critical area or associated buffer; and

2822 F. Minor encroachments if adequate protection of the buffer will be maintained.

2823 SECTION 57. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby  
2824 amended to read as follows:

2825 Based upon a geological critical area report containing a coal mine hazard  
2826 assessment (~~((prepared in accordance with this chapter))~~), the department shall classify  
2827 coal mine hazard areas as follows:

2828 A. Declassified coal mine areas are those areas where the risk of catastrophic  
2829 collapse is not significant and that the hazard assessment report has determined do not  
2830 require special engineering or architectural recommendations to prevent significant risks  
2831 of property damage. Declassified coal mine areas typically include, but are not limited  
2832 to, areas underlain or directly affected by coal mines at depths of more than three hundred  
2833 feet as measured from the surface;

2834 B. Moderate coal mine hazard areas are those areas that pose significant risks of  
2835 property damage that can be mitigated by implementing special engineering or  
2836 architectural recommendations. Moderate coal mine hazard areas typically include, but  
2837 are not limited to, areas underlain or directly affected by abandoned coal mine workings  
2838 from a depth of zero, which is the surface of the land, to three hundred feet or with  
2839 overburden-cover-to-seam thickness ratios of less than ten to one depending on the  
2840 inclination of the seam; and

2841 C. Severe coal mine hazard areas are those areas that pose a significant risk of  
2842 catastrophic ground surface collapse. Severe coal mine hazard areas typically include,  
2843 but are not limited to, areas characterized by unmitigated openings such as entries,  
2844 portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes,  
2845 and other areas of past or significant probability for catastrophic ground surface collapse;  
2846 or areas characterized by ~~((; ))~~ overland surfaces underlain or directly affected by  
2847 abandoned coal mine workings from a depth of zero, which is the surface of the land, to  
2848 one hundred fifty feet.

2849 SECTION 58. Ordinance 11621, Section 75, as amended, and K.C.C.  
2850 21A.24.275 are hereby amended to read as follows:

2851 The following development standards apply to development proposals and  
2852 alterations on sites within channel migration zones that have been mapped and adopted  
2853 by public rule:

2854 A. The development standards that apply to the ~~((aquatic area buffers))~~ riparian  
2855 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ~~((zone))~~ hazard  
2856 areas and the portion of the moderate channel migration ~~((zone))~~ hazard areas that is  
2857 within the ~~((aquatic area buffer))~~ riparian areas. The more-restrictive standards apply  
2858 where there is a conflict;

2859 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a  
2860 severe channel migration hazard area; and

2861 C. The following standards apply to development proposals and alterations  
2862 within the moderate channel migration hazard area:

2863           1. Maintenance, repair, or expansion of any use or structure is allowed if the  
2864 existing structure's footprint is not expanded towards any source of channel migration  
2865 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2866           2. New primary dwelling units, accessory dwelling units or accessory living  
2867 quarters, and required infrastructure, are allowed if:

2868           a. the structure is located on a separate lot in existence on or before February  
2869 16, 1995;

2870           b. a feasible alternative location outside of the channel migration hazard area is  
2871 not available on-site; and

2872           c. to the maximum extent practical, the structure and supporting infrastructure  
2873 is located the farthest distance from any source of channel migration hazard, unless the  
2874 applicant can demonstrate that an alternative location is:

2875           (1) the least subject to risk; or

2876           (2) within the outer third of the moderate channel migration hazard area as  
2877 measured perpendicular to the channel;

2878           3. New accessory structures are allowed if:

2879           a. a feasible alternative location is not available on-site; and

2880           b. to the maximum extent practical, the structure is located the farthest distance  
2881 from the migrating channel; and

2882           4. The subdivision of property is allowed within the portion of a moderate  
2883 channel migration hazard area located outside (~~(an aquatic area buffer)~~) a riparian area if:

2884           a. All lots contain five-thousand square feet or more of buildable land outside  
2885 of the moderate channel migration hazard area;



2886           b. Access to all lots does not cross the moderate channel migration hazard  
2887 area; and

2888           c. All infrastructure is located outside the moderate channel migration hazard  
2889 area except that an on-site septic system is allowed in the moderate channel migration  
2890 hazard area if:

2891                 (1) a feasible alternative location is not available on-site; and

2892                 (2) to the maximum extent practical, the septic system is located the farthest  
2893 distance from the migrating channel.

2894           SECTION 59. Ordinance 10870, Section 475, as amended, and K.C.C.

2895 21A.24.280 are hereby amended to read as follows:

2896           The following development standards apply to development proposals and  
2897 alterations on sites containing landslide hazard areas:

2898           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
2899 alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area  
2900 with a slope of forty percent or greater;

2901           B.1. A buffer is required from all edges of the landslide hazard area. To  
2902 eliminate or minimize the risk of property damage or injury resulting from landslides  
2903 caused in whole or part by the development, the department shall determine the size of  
2904 the buffer based upon a geological critical area report (~~prepared by a geotechnical~~  
2905 ~~engineer or geologist~~)).

2906           2. If a geological critical area report is not submitted to or required by the  
2907 department, the minimum buffer (~~is~~) shall be fifty feet.

2908           3. If the landslide hazard area has a vertical rise of more than two-hundred feet,  
2909 the department may increase the minimum ~~((building))~~ critical area setback in K. C. C.  
2910 21A.24.200 to one-hundred feet.

2911           4. For development permits associated with single detached dwelling units only,  
2912 the department may waive the geological critical area report requirement and authorize  
2913 buffer reductions if the department determines that the reduction will adequately protect  
2914 the proposed development and the critical area;

2915           C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
2916 allowed alteration, removal of any vegetation from a landslide hazard area or buffer is  
2917 prohibited;

2918           D. All alterations shall minimize disturbance to the landslide hazard area, slope,  
2919 and vegetation unless necessary for slope stabilization; and

2920           E. Alterations in a landslide hazard area located on a slope less than forty percent  
2921 are allowed if:

2922           1. The proposed alteration will not decrease slope stability on contiguous  
2923 properties; and

2924           2. The risk of property damage or injury resulting from landsliding is eliminated  
2925 or minimized.

2926           SECTION 60. Ordinance 10870, Section 476, as amended, and K.C.C.

2927 21A.24.290 are hereby amended to read as follows:

2928           The following development standards apply to development proposals and  
2929 alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard  
2930 areas are mapped:

2931 A. The department may approve alterations to mapped seismic hazard areas only  
2932 if:

2933 1. The geological critical area report containing an evaluation of site-specific  
2934 subsurface conditions shows that the proposed development site (~~(is not located in)~~) does  
2935 not meet the definition of a seismic hazard area; or

2936 2. The applicant implements appropriate engineering design based on the best  
2937 available engineering and geological practices that either eliminates or minimizes the risk  
2938 of structural damage or injury resulting from seismically induced settlement or soil  
2939 liquefaction; and

2940 B. The department may waive or reduce engineering study and design  
2941 requirements for alterations in seismic hazard areas for:

2942 1. Mobile homes;

2943 2. Additions or alterations that do not increase occupancy or significantly affect  
2944 the risk of structural damage or injury; and

2945 3. One-story buildings with less than two-thousand-five hundred(~~(s)~~) square feet  
2946 of floor area or roof area, whichever is greater, and that are not dwelling units or used as  
2947 places of employment or public assembly.

2948 NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24  
2949 a new section to read as follows:

2950 The following development standards apply to development proposals and  
2951 alterations on sites containing alluvial fan hazard areas:

2952 A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within  
2953 alluvial fan hazard areas;

2954 B. A geological critical area report is required for development proposals that are  
2955 on an alluvial fan or within fifty feet of an alluvial fan;

2956 C. Proposed alterations shall not increase the risk of inundation, sedimentation,  
2957 channel migration, or erosion on adjacent properties;

2958 D. The risk of property damage or injury on the subject property from inundation,  
2959 sedimentation, channel migration, or erosion as a result of a proposed alteration shall be  
2960 eliminated or minimized; and

2961 E. The proposed alteration shall not increase the frequency or magnitude of  
2962 sediment management activities or in-stream channel work that could impact fish habitat  
2963 or passage.

2964 NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 21A.24  
2965 a new section to read as follows:

2966 A. This section applies to development proposals on sites that are within tsunami  
2967 hazard areas.

2968 B. New and substantially improved residential buildings within a tsunami hazard  
2969 area shall be designed to provide protection from inundation and debris impact according  
2970 to the projected hazard level. The projected hazard level shall be determined by the  
2971 county based on Washington state Department of Natural Resources tsunami inundation  
2972 maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and  
2973 relevant requirements of the building code in K.C.C. Title 16.

2974 C. Except for buildings that support water-oriented uses, new buildings shall be  
2975 located on portions of the parcel or parcels under contiguous ownership that are not  
2976 within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under

2977 contiguous ownership are located outside the tsunami hazard area, or if the portion  
2978 outside the tsunami hazard area is not feasible for new building purposes, new buildings  
2979 shall be located as far from the tsunami hazard area as feasible.

2980 D. New critical facilities shall not be constructed in a tsunami hazard area if there  
2981 is a feasible alternative location outside the tsunami hazard area that would serve the  
2982 intended service area or service population. If allowed in the tsunami hazard area, the  
2983 critical facility shall be designed to minimize the risk and danger to the public health and  
2984 safety to the maximum extent practicable, which may include, but is not limited to,  
2985 preparation of a tsunami evacuation plan.

2986 SECTION 63. Ordinance 10870, Section 478, as amended, and K.C.C.

2987 21A.24.310 are hereby amended to read as follows:

2988 The following development standards apply to development proposals and  
2989 alterations on sites containing steep slope hazard areas:

2990 A. Except as provided in subsection D. of this section, unless allowed as an  
2991 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.  
2992 21A.24.045 are allowed within a steep slope hazard area or associated buffer;

2993 B. A buffer is required from all edges of the steep slope hazard area. To  
2994 eliminate or minimize the risk of property damage or injury resulting from slope  
2995 instability, landsliding, or erosion caused in whole or part by the development, the  
2996 department shall determine the size of the buffer based upon a geological critical area  
2997 report prepared by a (~~geotechnical engineer or geologist~~) geological professional. The  
2998 department of local services shall adopt a public rule to implement this subsection,

2999 including implementing the requirements for development and review of a geological  
3000 critical area report.

3001 1. For new structures and substantial improvements to existing structures on  
3002 sites where any portion of the steep slope hazard area extends into the coastal high hazard  
3003 area or sea level rise risk area:

3004 a. The geological critical area report shall include an assessment of current and  
3005 future risks of sea level rise conditions anticipated to occur over the next fifty years and a  
3006 recommended buffer;

3007 b. If a geological critical area report is not submitted to the department, the  
3008 minimum buffer shall be seventy-five feet;

3009 2. For all other development not identified in subsection B.1. of this section:

3010 a. If a geological critical area report is not submitted to the department, the  
3011 minimum buffer shall be fifty feet; and

3012 b. For ~~((building))~~ permits ~~((for))~~ associated with single detached dwelling  
3013 units only, the department may waive the ~~((special study))~~ geological critical area report  
3014 requirement and authorize buffer reductions if the department determines that the  
3015 reduction will adequately protect the proposed development and the geological critical  
3016 area;

3017 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
3018 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is  
3019 prohibited; and

3020 D. ~~((All a))~~ Alterations ~~((are))~~ may be allowed in the following circumstances:

3021 1. Slopes (~~(which)~~) that are forty percent or steeper with a vertical elevation  
3022 change of up to twenty feet, if no adverse impact will result from the exemption based on  
3023 King County's review of and concurrence with a (~~(soils)~~) geological critical area report  
3024 prepared by a (~~(geologist or geotechnical engineer)~~) geological professional; and

3025 2. The approved regrading of any slope (~~(which)~~) that was created through  
3026 previous legal grading activities. Any slope (~~(which)~~) that remains forty percent or  
3027 steeper following site development shall be subject to all requirements for steep slopes.

3028 SECTION 64. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
3029 are hereby amended to read as follows:

3030 The map entitled King County Critical Aquifer Recharge Areas, included in  
3031 Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer  
3032 recharge areas in King County in accordance with RCW 36.70A.170, unless a  
3033 designation is modified by notices of map amendment prepared according to K.C.C.  
3034 21A.24.312, in which case the notice of map amendment shall supersede the map.

3035 SECTION 65. Ordinance 15051, Section 173, as amended, and K.C.C.  
3036 21A.24.312 are hereby amended to read as follows:

3037 A. Upon application supported by a critical area(~~(s)~~) report that includes a  
3038 hydrogeologic site evaluation, the department, in consultation with the department of  
3039 natural resources and parks, may determine that an area that is or is not classified as a  
3040 critical aquifer recharge area on the map adopted under K.C.C. 21A.24.311:

3041 (~~(A.)~~) 1. Does not meet the criteria for a critical aquifer recharge area and  
3042 declassify that area if it is classified as a critical aquifer recharge area;

3043            ~~((B-))~~ 2. Has the wrong critical aquifer recharge area classification and determine  
3044 the correct classification; or

3045            ~~((C-))~~ 3. Has not been classified as a critical aquifer recharge area and should be  
3046 so classified based on the standards of K.C.C. 21A.24.313.

3047            B. Upon reclassification or declassification, a notice of map amendment for the  
3048 affected parcel or parcels shall be sent from the department of natural resources and parks  
3049 to the property owner, the property owner's representative, if applicable, and the county  
3050 assessor.

3051            SECTION 66. Ordinance 15051, Section 174, as amended, and K.C.C.  
3052 21A.24.313 are hereby amended to read as follows:

3053            Critical aquifer recharge areas are categorized as follows:

3054            A. Category I critical aquifer recharge areas include those mapped areas that  
3055 King County has determined are:

3056            1. Highly susceptible to groundwater contamination and that are located within  
3057 a sole source aquifer or a wellhead protection area; or

3058            2. In an area where hydrogeologic mapping or a numerical flow transport model  
3059 in a Washington department of health approved wellhead protection plan demonstrate  
3060 that the area is within the one-year time of travel to a wellhead for a Group A water  
3061 system;

3062            B. Category II critical aquifer recharge areas include those mapped areas that  
3063 King County has determined:

3064            1. Have a medium susceptibility to ground water contamination and are located  
3065 in a sole source aquifer or a wellhead protection area; or



3066           2. Are highly susceptible to groundwater contamination and are not located in a  
3067 sole source aquifer or wellhead protection area; and

3068           C. Category III critical aquifer recharge areas include those mapped areas that  
3069 King County has determined have low susceptibility to groundwater contamination and  
3070 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~  
3071 Vashon-Maury Island.

3072           SECTION 67. Ordinance 15051, Section 179, as amended, and K.C.C.  
3073 21A.24.316 are hereby amended to read as follows:

3074           The following development standards apply to development proposals and  
3075 alterations on sites containing critical aquifer recharge areas:

3076           A. Except as otherwise provided in subsection H. of this section, the following  
3077 new development proposals and alterations are not allowed on a site located in a category  
3078 I critical aquifer recharge area:

- 3079           1. Transmission pipelines carrying petroleum or petroleum products;
- 3080           2. Sand and gravel, and hard rock mining unless:
  - 3081           a. the site has mineral zoning as of January 1, 2005; or
  - 3082           b. mining is a permitted use on the site and the critical aquifer recharge area  
3083 was mapped after the date a complete application for mineral extraction on the site was  
3084 filed with the department;
- 3085           3. Mining of any type below the upper surface of the saturated ground water that  
3086 could be used for potable water supply;
- 3087           4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3088           5. Hydrocarbon extraction;

- 3089           6. Commercial wood treatment facilities on permeable surfaces;
- 3090           7. Underground storage tanks, including tanks that are exempt from the
- 3091 requirements of chapter 173-~~360A~~ WAC, with hazardous substances, as defined in
- 3092 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-
- 3093 360A WAC and K.C.C. Title 17;
- 3094           8. Above-ground storage tanks for hazardous substances, as defined in chapter
- 3095 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment
- 3096 areas and a spill protection plan;
- 3097           9. Golf courses;
- 3098           10. Cemeteries;
- 3099           11. Wrecking yards;
- 3100           12. Landfills for hazardous waste, municipal solid waste, or special waste, as
- 3101 defined in K.C.C. chapter 10.04; and
- 3102           13. On lots smaller than one acre, an on-site septic system, unless:
- 3103           a. the system is approved by the Washington state Department of Health and
- 3104 has been listed by the Washington ~~((S))~~ state Department of Health as meeting treatment
- 3105 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or
- 3106           b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
- 3107 County determines that the systems required under subsection A.13.a. of this section will
- 3108 not function on the site.
- 3109           B. Except as otherwise provided in subsection H. of this section, the following
- 3110 new development proposals and alterations are not allowed on a site located in a category
- 3111 II critical aquifer recharge area:

- 3112 1. Mining of any type below the upper surface of the saturated ground water that  
3113 could be used for potable water supply;
- 3114 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3115 3. Hydrocarbon extraction;
- 3116 4. Commercial wood treatment facilities located on permeable surfaces;
- 3117 5.a. Underground storage tanks with hazardous substances, as defined in chapter  
3118 70.105 RCW, that do not comply with requirements of chapter 173-360A WAC and  
3119 K.C.C. Title 17, ((E))except for a category II critical aquifer recharge area located over  
3120 an aquifer underlying ~~((an island that is surrounded by saltwater, underground storage~~  
3121 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~  
3122 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17))~~ Vashon-Maury Island; and
- 3123 b. For a category II critical aquifer recharge area located over an aquifer  
3124 underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island,  
3125 underground storage tanks, including underground storage tanks exempt from the  
3126 requirements of chapter 173-360A WAC, with hazardous substances, as defined in  
3127 chapter 70.105 RCW, that do not comply with the standards in chapter 173-360A WAC  
3128 and K.C.C. Title 17;
- 3129 6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3130 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3131 protection plan;
- 3132 7. Wrecking yards;
- 3133 8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3134 defined in K.C.C. chapter 10.04; and

3135 9. On lots smaller than one acre, an on-site septic systems, unless:  
3136 a. the system is approved by the Washington state Department of Health and  
3137 has been listed by the Washington state Department of Health as meeting treatment  
3138 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or  
3139 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King  
3140 County determines that the systems required under subsection B.9.a. of this section will  
3141 not function on the site.

3142 C. Except as otherwise provided in subsection H. of this section, the following  
3143 new development proposals and alterations are not allowed on a site located in a category  
3144 III critical aquifer recharge area:

3145 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;  
3146 2. Hydrocarbon extraction;  
3147 3. Commercial wood treatment facilities located on permeable surfaces;  
3148 4. Underground storage tanks, including tanks exempt from the requirements of  
3149 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70-105))~~  
3150 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and  
3151 K.C.C. Title 17;

3152 5. Above ground storage tanks for hazardous substances, as defined in chapter  
3153 ~~((70-105))~~ 70A.300 RCW, unless protected with primary and secondary containment  
3154 areas and a spill protection plan;

3155 6. Wrecking yards; and  
3156 7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3157 defined in K.C.C. chapter 10.04.

3158 D. The following standards apply to development proposals and alterations that  
3159 are substantial improvements on a site located in a critical aquifer recharge area:

3160 1. The owner of an underground storage tank, including a tank that is exempt  
3161 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer  
3162 recharge area or a category II critical aquifer recharge area located over an aquifer  
3163 underlying Vashon-Maury Island shall either bring the tank into compliance with the  
3164 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or  
3165 remove the tank; and

3166 2. The owner of an underground storage tank in a category II critical aquifer  
3167 recharge area not located on located over an aquifer underlying Vashon-Maury Island  
3168 shall bring the tank into compliance with the standards of chapter 173-360A WAC and  
3169 K.C.C. Title 17 or shall properly decommission or remove the tank.

3170 E. In any critical aquifer recharge area, the property owner shall properly  
3171 decommission an abandoned well.

3172 F. On a site located in a critical aquifer recharge area within the urban growth  
3173 area, a development proposal for new residential development, including, but not limited  
3174 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
3175 practices included in the King County Surface Water Design Manual into the site design  
3176 in order to infiltrate stormwater runoff to the maximum extent practical.

3177 G. For critical aquifer recharge areas on Vashon-Maury Island:

3178 1. No new groundwater wells are permitted within a coastal high hazard area. A  
3179 rainwater catchment system may be used as an alternative water supply source for a

3180 single (~~family~~) detached residence if the requirements of (~~K.C.C.~~) King County Board  
3181 of Health Code BOH 13.04.070 are met;

3182           2. All new groundwater wells within a sea level rise risk area shall include a  
3183 surface seal that prevents risks of saltwater contamination caused by sea level rise  
3184 conditions anticipated to occur over the next fifty years; and

3185           3. The owner of a new well located within the sea level rise risk area shall test  
3186 the well for chloride levels using testing protocols approved by the Washington state  
3187 Department of Health. The owner shall report the results of the test to (~~Seattle King~~  
3188 ~~County department of~~) public health – Seattle & King County and to the department of  
3189 natural resources and parks. If the test results indicate saltwater intrusion is likely to  
3190 occur, the department of natural resources and parks, in consultation with (~~Seattle King~~  
3191 ~~County department of~~) public health - Seattle & King County, shall recommend  
3192 appropriate measures in addition to the minimum requirements of this title to prevent  
3193 saltwater intrusion.

3194           H. On a site greater than twenty acres, the department may approve a  
3195 development proposal otherwise prohibited by subsections A., B., and C. of this section if  
3196 the applicant demonstrates through a critical area report that the development proposal is  
3197 located outside the critical aquifer recharge area and that the development proposal will  
3198 not cause an (~~significant~~) adverse (~~environmental~~) impact to the critical aquifer  
3199 recharge area.

3200           I. The provisions relating to underground storage tanks in subsections A. through  
3201 D. of this section apply only when the proposed regulation of underground storage tanks  
3202 has been submitted to and approved by the Washington state (~~the~~)Department of

3203 ((e))Ecology, in accordance with ((90.76.040)) RCW 70A.355.030 and WAC ((173-360-  
3204 530)) 173-360-0130.

3205 SECTION 68. Ordinance 15051, Section 183, as amended, and K.C.C.

3206 21A.24.318 are hereby amended to read as follows:

3207 A. Identification of wetlands and delineation of their boundaries shall be done in  
3208 accordance with the approved federal wetland delineation manual and applicable regional  
3209 supplement as set forth in WAC 173-22-035.

3210 B. Wetlands shall be rated into category I, category II, category III, and category  
3211 IV based on the adopted Washington State Wetland Rating System for Western  
3212 Washington, Washington state Department of Ecology publication number ((14-06-029))  
3213 23-06-009, published October 2014 and updated July 2023.

3214 C. Wetland rating categories shall not recognize illegal modifications.

3215 SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C.

3216 21A.24.325 are hereby amended to read as follows:

3217 A. Except as otherwise provided in this section, buffers shall be provided from  
3218 the wetland edge as follows:

3219 1. The buffers shown on the following table apply unless modified in

3220 accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			

Wetlands of High Conservation Value	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Bog	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Estuarine	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <u>150</u> feet
Coastal Lagoon	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category II</b>			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet



Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
<b>Category IV</b>	<del>((50))</del> 60 feet	<del>((40))</del> 45 feet	<del>((25))</del> 35 feet

3221 2. For purposes of this subsection A., unless the director determines a lesser  
3222 level of impact is appropriate based on information provided by the applicant, the  
3223 intensity of impact of the adjacent land use is determined as follows:

3224 a. High impact includes:

3225 (1) sites zoned commercial or industrial;

3226 (2) commercial, institutional, or industrial use on a site regardless of the  
3227 zoning classification;

3228 (3) nonresidential use on a site zoned for residential use, such as  
3229 telecommunication towers and associated equipment;

3230 (4) high-intensity active recreation use on a site regardless of zoning, such as  
3231 golf courses, ball fields, and similar use;

3232 (5) all sites within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area; ~~((Ø))~~

3233 (6) Residential zoning greater than one dwelling unit per acre;  
3234 (7) railroads; or  
3235 (8) federal and state highways, including on ramps and exits, state routes, and  
3236 other roads associated with high impact land uses;  
3237 b. Moderate impact includes:  
3238 (1) residential uses on sites zoned residential one dwelling unit per acre or  
3239 less;  
3240 (2) residential use on a site zoned rural area, agriculture, or forestry;  
3241 (3) agricultural uses without an approved farm management plan;  
3242 (4) forest service roads and roads associated with moderate impacts;  
3243 (5) utility corridors or right-of-way shared by several utilities, including  
3244 maintenance roads; or  
3245 ~~((5))~~ (6) moderate-intensity active recreation or open space use, such as  
3246 paved trails, parks with biking, jogging, and similar use; and  
3247 c. Low impact includes:  
3248 (1) forestry use on a site regardless of zoning classification;  
3249 (2) passive recreation uses, such as unpaved trails, nature viewing areas,  
3250 fishing and camping areas, and other similar uses that do not require permanent  
3251 structures, on a site regardless of zoning;  
3252 (3) agricultural uses carried out in accordance with an approved farm  
3253 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.  
3254 21A.24.045.D.54.; or

3255 (4) utility corridors without a maintenance road and little or no vegetation  
3256 maintenance.

3257 B. The department may approve a modification of the minimum buffer width  
3258 required by this section by averaging the buffer width if:

3259 1. The department determines that:

3260 a. the buffer averaging will improve wetland protection if the wetland has  
3261 significant differences in characteristics that effect habitat functions, such as a wetland  
3262 with a forested component adjacent to a degraded emergent component or a "dual-rated"  
3263 wetland with a Category I area adjacent to a lower-rated area; or

3264 b. averaging includes the corridors of a wetland complex; and

3265 2. The resulting buffer meets the following standards:

3266 a. the total area of the buffer after averaging is equivalent to or greater than the  
3267 area of the buffer before averaging;

3268 b. the additional buffer is contiguous with the standard buffer;

3269 c. the buffer at its narrowest point is never less than ~~((either))~~ seventy-five  
3270 percent of the required width ~~((or seventy-five feet for Category I and II, fifty feet for  
3271 Category III, and twenty-five feet for Category IV, whichever is greater))~~);

3272 d. the averaged buffer will not result in degradation of wetland functions and  
3273 values as demonstrated by an ecological critical area report ~~((from a qualified wetland  
3274 professional; and))~~;

3275 e. the buffer is increased adjacent to the higher functioning area of habitat or  
3276 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or

3277 less-sensitive portion (~~(as demonstrated by a critical area report from a qualified wetland~~  
3278 ~~professional)~~);

3279 f. buffer averaging cannot be combined with other buffer reductions or  
3280 modifications allowed in this title; and

3281 g. indirect impacts are assessed and mitigated.

3282 C. Wetland buffer widths shall also be subject to modifications under the  
3283 following special circumstances:

3284 1. For wetlands containing documented habitat for endangered, threatened, or  
3285 species of local importance, the following shall apply:

3286 a. the department shall establish the appropriate buffer, based on a habitat  
3287 assessment, to ensure that the buffer provides adequate protection for the sensitive  
3288 species; and

3289 b. the department may apply the buffer reduction rules in subsection C.~~(6)~~5.  
3290 of this section (~~and~~) or the buffer averaging rules in subsection B. of this section~~(7)~~.

3291 2. For a wetland buffer that includes a steep slope hazard area or landslide  
3292 hazard area, the (~~buffer~~) width (~~is~~) shall be the greater of:

3293 a. the buffer width required by the wetland's category in this section; or

3294 b. the buffer width required by the wetland's category in this section, extended  
3295 upslope towards the top of the landslide or steep slope hazard area, as measured  
3296 perpendicular to topographic contours, up to a maximum total width of twice the wetland  
3297 buffer width otherwise required;

3298 3. For a wetland complex located outside the (~~U~~)urban (~~G~~)growth (~~A~~)area  
3299 established by the King County Comprehensive Plan or located within the (~~U~~)urban

3300 ((G))growth ((A))area in a basin designated as "high" on the Basin and Shoreline  
3301 Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer  
3302 width is determined as follows:

- 3303 a. the buffer width for each individual wetland in the complex is the same  
3304 width as the buffer width required for the category of wetland;
- 3305 b. if the buffer of a wetland within the complex does not touch or overlap with  
3306 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
3307 that wetland to one other wetland buffer in the complex considering the following  
3308 factors:
  - 3309 (1) the corridor is designed to support maintaining viable wildlife species that  
3310 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3311 during a critical life cycle stage, such as breeding, rearing, or feeding;
  - 3312 (2) the corridor minimizes fragmentation of the wetlands;
  - 3313 (3) higher category wetlands are connected through corridors before lower  
3314 category wetlands; and
  - 3315 (4) the corridor width is at least twenty-five percent of the length of the  
3316 corridor, but no less than twenty-five feet in width; and
  - 3317 (5) shorter corridors are preferred over longer corridors;
- 3318 c. wetlands in a complex that are connected by an aquatic area that flows  
3319 between the wetlands are not required to be connected through a corridor;
- 3320 d. the department may exclude a wetland from the wetland complex if the  
3321 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

3322 that are commonly recognized to exclusively or partially use wetlands and wetland  
3323 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and  
3324 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are  
3325 allowed in corridors subject to the same conditions and requirements as wetland buffers  
3326 as long as the alteration is designed so as not to disrupt wildlife movement through the  
3327 corridor;

3328 4. Where a legally established public roadway transects a wetland buffer, the  
3329 department may approve a modification of the minimum required buffer width to the  
3330 edge of the roadway if:

3331 a. the part of the buffer on the other side of the roadway sought to be reduced:

3332 ~~((a.))~~ (1) does not provide additional protection of ((the proposed development  
3333 ~~or the)) wetland functions and values from the proposed development; and~~

3334 ~~((b.))~~ (2) provides insignificant biological, geological, or hydrological buffer  
3335 functions relating to the other portion of the buffer adjacent to the wetland; and

3336 b. the applicant provides a written evaluation that includes;

3337 (1) a description of the vegetative composition, hydrologic regime,  
3338 topography, and development on both sides of the roadway;

3339 (2) an assessment of the functions that the buffer provides on the other side of  
3340 the roadway for wildlife habitat, water quality, and water quantity; and

3341 (3) an analysis of how the roadway will fully disconnect the buffer from  
3342 providing the assessed functions, and whether the disconnection will affect the entirety of  
3343 the buffer; and

3344 5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
3345 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~  
3346 ~~exceed the standard for a low impact land use, unless the department determines that a~~  
3347 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

3348 6. ~~The buffer widths required for proposed land uses with~~) For proposed  
3349 dwelling units within the urban growth area that have high intensity impacts to wetlands,  
3350 the buffer widths can be reduced to those required for moderate intensity impacts (~~under~~  
3351 ~~the following conditions~~) if:

3352 a. all the following measures to minimize impacts of the proposed land uses  
3353 are applied:

3354 (1) plant an area of dense, native vegetation or climate-smart plants within the  
3355 remaining buffer that is equal to or greater than the area by which the buffer was reduced;

3356 (2) install wildlife lighting and direct all light away from the wetland;

3357 (3) install wildlife passable fencing at the edge of the wetland buffer;

3358 (4) attach critical area signs to wildlife-passable fencing every fifty to  
3359 seventy-five linear feet;

3360 (5) submit an integrated pest and weed management plan that prohibits the  
3361 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

3362 (6) demonstrate how each of the following meets the core requirements in the  
3363 King County Surface Water Design Manual, including:

3364 (a) stormwater runoff;

3365 (b) change in water regime; and

3366 (c) erosion and dust control; and

3367            b. ((F))for wetlands that score moderate or high for habitat functions((, which  
 3368 means six points or higher, the width of the buffer can be reduced if both of the following  
 3369 criteria are met:

3370            ((1) A))a relatively undisturbed vegetated corridor at least one-hundred feet  
 3371 wide is protected between the wetland and ((any other Priority Habitats as defined by the  
 3372 Washington state Department of Fish and Wildlife in the priority habitat and species list))  
 3373 a legally-protected, relatively undisturbed and vegetated area. The corridor must be  
 3374 protected for the entire distance between the wetland and the ((priority habitat)) legally  
 3375 protected vegetated area and ((legally)) recorded via a conservation easement; and

3376            ((2) Measures to minimize the impacts of different land uses on wetlands as  
 3377 identified in subsection C.6.b. of this section are applied; and

3378            b. For wetlands that score low for habitat, which means less than six points, the  
 3379 buffer width can be reduced to that required for moderate intensity impacts by applying  
 3380 measures to minimize impacts of the proposed land uses, as follows:

3381            c. the proposed project does not impact the reduced buffer.

<b><u>((Disturbance</u></b>	<b><u>Measures to minimize impacts</u></b>
<u>Lights</u>	<u>Direct lights away from wetland.</u>
<u>Noise</u>	<u>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</u>



	<del>vegetated buffer strip immediately adjacent to the outer wetland buffer.</del>
<del>Toxic runoff</del>	<del>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.</del>
<del>Stormwater runoff</del>	<del>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.</del>
<del>Change in water regime</del>	<del>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</del>
<del>Pets and human disturbance</del>	<del>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.</del>
<del>Dust</del>	<del>Use best management practices to control dust.))</del>

3382 D. The department may approve a modification to the buffers established in  
3383 subsection A. of this section if the wetland was created or its characterization was  
3384 upgraded as part of a voluntary enhancement or restoration project.

3385 E. If the site is located within the shoreline jurisdiction, the department shall  
3386 determine that a proposal to reduce wetland buffers under this section will result in no net  
3387 loss of shoreline ecological functions or wetland functions and values.

3388 SECTION 70. Ordinance 15051, Section 187, as amended, and K.C.C.  
3389 21A.24.335 are hereby amended to read as follows:

3390 The following development standards apply to development proposals and  
3391 alterations on sites containing wetlands or their buffers:

3392 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3393 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3394 B. ~~((The applicant))~~ Applicants may include climate-smart plants that have been  
3395 approved by King County in mitigation or restoration projects, but shall not otherwise  
3396 introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any  
3397 wetland or wetland buffer unless authorized by a state or federal permit or approval; and

3398 C. ~~((A category IV wetland less than two thousand five hundred square feet that~~  
3399 ~~is not part of a wetland complex may be altered in accordance with an approved~~  
3400 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~  
3401 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~  
3402 ~~on the type of mitigation measures proposed; and~~

3403 ~~D.))~~ Alterations to category I wetlands containing bogs or fens are limited to  
3404 K.C.C. 21A.24.045 D.20. and D.52.

3405 SECTION 71. Ordinance 10870, Section 481, as amended, and K.C.C.  
3406 21A.24.340 are hereby amended to read as follows:

3407 In addition to the requirements in ~~((K.C.C. 21A.24.125 and 21A.24.130))~~ this  
 3408 chapter, the following applies to mitigation to compensate for ~~((the))~~ adverse impacts  
 3409 ~~((associated with an alteration))~~ to a wetland or wetland buffer:

3410 A. Mitigation measures must achieve equivalent or greater wetland functions,  
 3411 including, but not limited to:

3412 1. Habitat functions such as complexity, connectivity, and other biological  
 3413 functions; and

3414 2. Hydrological functions, such as ~~((S))~~seasonal hydrological dynamics, as  
 3415 provided in the King County Surface Water Design Manual;

3416 B. The following ratios of area of mitigation to area of ~~((alteration))~~ impacts  
 3417 apply to mitigation measures for permanent alterations except as otherwise provided in  
 3418 subsection E. of this section:

3419 1. For ~~((alterations))~~ impacts to a wetland buffer, a ratio of ~~((one to one; and))~~  
 3420 one-to-one on-site, and two-to-one off-site;

3421 2. For ~~((alterations))~~ direct impacts to a wetland that result in permanent, direct  
 3422 loss of wetland area:

<b>Category and type of wetland</b>	<b>Wetland reestablishment or creation</b>	<b>Wetland rehabilitation</b>	<b>1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)</b>	<b>Wetland enhancement only</b>
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

Category III	2:1	4:1	1:1 R/C and <del>((2))</del> 4:1 E	8:1
Category II estuarine	Case-by-case	<del>((4))</del> 6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	<del>((8))</del> 6:1	1:1 R/C and <del>((4))</del> 8:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and <del>((10))</del> 16:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and <del>((6))</del> 12:1 E	Case-by-case
Category I wetlands of high conservation value	Not allowed	<del>((6:1 rehabilitation of a wetland of high conservation value))</del> <u>Case-by- case</u>	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case
Category I coastal lagoon	Not allowed	<del>((6))</del> 8:1 rehabilitation of a coastal lagoon	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case

Category I bog	Not allowed	<del>((6:1 rehabilitation of a bog))</del> <u>Case-by-case</u>	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case
Category I estuarine	Case-by-case	<del>((6):1</del> rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3423 3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to  
3424 area of impact required by subsection B.2. of this section.

3425 C. The following ratios of area of mitigation to area of ~~((alteration))~~ impact apply  
3426 to mitigation measures for temporary ~~((alterations))~~ impacts where wetlands will not be  
3427 impacted by permanent fill material or removal of old growth or mature trees, as defined  
3428 in the Washington state Department of Fish and Wildlife Priority Habitat and Species list,  
3429 publication 2008 and updated 2023, but where impacted functions are expected to take  
3430 longer than one year to be restored, except as otherwise provided in subsection E. of this  
3431 section:

<b>Wetland category</b>	<b>Permanent conversion of forested and shrub wetlands into emergent wetlands</b>	<b>Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities</b>
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	Enhancement	Rehabilitati on	Creation or restoration	Enhanceme nt	Rehabilitati on	Creation or restoration
Category I	<del>((6))</del> 8:1	4.5:1	3:1	<del>((3))</del> 4:1	2:1	1.5:1
Category II	<del>((3))</del> 6:1	<del>((2))</del> 3:1	1.5:1	<del>((1.5))</del> 3:1	1.5:1	.75:1
Category III	<del>((2))</del> 4:1	<del>((1.5))</del> 2:1	1:1	<del>((1))</del> 2:1	<del>((.75))</del> 1:1	.5:1
Category IV	<del>((1.5))</del> 3:1	1.5:1	.75:1	<del>((Not applicable))</del> 1.5:1	<del>((Not applicable))</del> .75:1	<del>((Not applicable )</del> .25:1

3432 D. The department may increase the mitigation ratios provided in subsections B.

3433 and C. of this section under the following circumstances:

3434 1. The department determines there is uncertainty as to the probable success of  
3435 the proposed restoration or creation;

3436 2. A significant period of time will elapse between the impact caused by the  
3437 development proposal and the establishment of wetland functions at the mitigation site;

3438 3. The proposed mitigation will result in a lower category wetland or reduced  
3439 functions relative to the wetland being impacted; ~~((ø))~~

3440 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,  
3441 as defined in the Federal Standards and Procedures for the National Watershed Boundary

3442 Dataset: United States Geological Survey, 2022, as the proposed impacts;

3443 5. The proposed mitigation site differs from the proposed impact area in  
3444 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat  
3445 characteristics;

3446 6. The proposed impact site contains documented habitat for federal or state  
3447 listed endangered, threatened, sensitive, or candidate species or King County species of  
3448 local importance; or

3449 7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

3450 E. ~~((The department may decrease the mitigation ratios provided in subsections~~  
3451 ~~B. and C. of this section under the following circumstances))~~ When the use of wetland  
3452 mitigation bank or in lieu fee program credits is approved as off-site compensatory  
3453 mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:

3454 ~~1. ((The applicant demonstrates by documentation submitted by a qualified~~  
3455 ~~wetland specialist that the proposed mitigation actions have a very high likelihood of~~  
3456 ~~success based on hydrologic data and prior experience;~~

3457 ~~2. The applicant demonstrates by documentation by a qualified wetland~~  
3458 ~~specialist that the proposed actions for compensation will provide functions and values~~  
3459 ~~that are significantly greater than the wetland being impacted;~~

3460 ~~3. The applicant demonstrates that the proposed actions for mitigation have~~  
3461 ~~been conducted in advance of the impact caused by the development proposal and that~~  
3462 ~~the actions are successful; or~~

3463 ~~4. In wetlands where several wetland hydrogeomorphic classes, including, but~~  
3464 ~~not limited to depressionnal, slope, riverine and flow through, are found within one~~  
3465 ~~delineated boundary, the department may decrease the ratios if:~~

3466 a. ~~impacts to the wetland are all within an area that has a different~~  
3467 ~~hydrogeomorphic class from the one used to establish the category;~~  
3468 b. ~~the category of the area with a different class is lower than that of the entire~~  
3469 ~~wetland; and~~  
3470 c. ~~the applicant provides adequate hydrologic and geomorphic data to establish~~  
3471 ~~that the boundary between the hydrogeomorphic classes lies outside of the footprint of~~  
3472 ~~the impacts-)) For use of wetland mitigation banks certified under Chapter 173-700~~  
3473 WAC, the amount of compensatory mitigation required for impacts located in the bank  
3474 service area shall be as follows:  
3475 a. For direct impacts to wetlands and wetland buffers, the ratio shall be  
3476 consistent with the approved mitigation banking instrument. If the ratio recommended in  
3477 the mitigation banking instrument is less than one bank credit to one acre of direct  
3478 permanent wetland impact, then a ratio of one bank credit to one wetland impact acre  
3479 shall be used;  
3480 b. For indirect wetland impacts, one half of the ratio recommended in the  
3481 approved mitigation banking instrument; and  
3482 c. For long-term temporary impacts, one quarter of the ratio recommended in  
3483 the approved mitigation banking instrument;  
3484 2. For use of the King County mitigation reserves program or a state or federally  
3485 authorized in lieu fee program:  
3486 a. For direct, indirect, and long-term temporary impacts to wetlands located in  
3487 the in lieu fee service area, the amount of compensatory mitigation required shall be



3488 consistent with the in lieu fee program instrument and result in no net loss of wetland  
3489 functions and values; and

3490 b. For impacts to wetland buffers, the ratio shall be one to one; and

3491 3. Compensatory mitigation for other approved off-site mitigation options shall  
3492 be consistent with ratios in subsections B., C., and D. of this section.

3493 F. For temporary (~~(alterations)~~) impacts to a wetland or its buffer that are  
3494 predominately woody vegetation, the department may require mitigation in addition to  
3495 restoration of the altered wetland or buffer; and

3496 G. Mitigation of (~~(an alteration)~~) impacts to a buffer of a wetland that occurs  
3497 along an aquatic area lake shoreline in accordance with an allowed alteration under this  
3498 chapter shall include, but is not limited to, on-site revegetation, maintenance, and other  
3499 restoration of the buffer or setback area to the maximum extent practical.

3500 SECTION 72. Ordinance 15051, Section 192, as amended, and K.C.C.

3501 21A.24.355 are hereby amended to read as follows:

3502 A. Aquatic areas are (~~(categorized or)~~) "typed" as follows:

3503 1. Type S waters include all aquatic areas inventoried as "shorelines of the state"  
3504 under King County's (~~(S)~~)shoreline (~~(M)~~)master (~~(P)~~)program(~~(, K.C.C. chapter 21A.25,~~  
3505 ~~in accordance with chapter 90.58 RCW));~~

3506 2. Type F waters include all segments of aquatic areas that are not type S waters  
3507 and that contain fish or fish habitat, including waters diverted for use by a federal, state,  
3508 or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or  
3509 the entire tributary if the tributary is highly significant for protection of downstream  
3510 water quality(~~(;)~~). Type F waters, which may be ephemeral, may be classified by:

- 3511            a. the presence of fish;  
3512            b. a stream segment with a defined channel of two feet or greater bank full  
3513 width and a gradient less than twenty percent; or  
3514            c. any stream located within the floodplain of type S or F water.

3515            3. Type N waters include all segments of aquatic areas that are not type S or F  
3516 waters and that are physically connected to type S or F waters by ~~((an above-ground))~~ a  
3517 channel or piped system, stream, or wetland; and

3518            4. Type O waters include all segments of aquatic areas that are not type S, F<sub>1</sub> or  
3519 N waters and that are not physically connected to type S, F<sub>1</sub> or N waters by a ~~((n above-~~  
3520 ~~ground))~~ channel or piped system, ~~((pipe or culvert,))~~ stream, or wetland, and which  
3521 infiltrate water into the ground.

3522            B. For the purposes of the water types in subsection A. of this section, ~~((an~~  
3523 ~~above-ground))~~ a channel system is ~~((considered to be))~~ present if the ~~((one hundred~~  
3524 ~~year))~~ floodplains of both the contributing and receiving waters are connected.

3525            ~~((C. The department may determine that an area upstream of a legal human-made~~  
3526 ~~barrier is not fish habitat considering the following factors:~~

3527            ~~1. The human-made barrier is located beneath public infrastructure that is~~  
3528 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~  
3529 ~~public infrastructure;~~

3530            ~~2. The human-made barrier is in the Urban Growth Area established by the~~  
3531 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~  
3532 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~

3533           3. ~~The human-made barrier is located in a subbasin that is not designated "high"~~  
3534 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~  
3535 ~~Ordinance 15051; or~~

3536           4. ~~The human-made barrier is not identified for removal by a public agency or~~  
3537 ~~in an adopted watershed plan.))~~

3538           SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C.  
3539 21A.24.358 are hereby amended to read as follows:

3540           A. ~~((Aquatic area buffers))~~ Riparian areas shall be measured as follows:

3541           1. From the ordinary high water mark of the adjacent aquatic area, or from the  
3542 top of bank if the ordinary high water mark cannot be identified;

3543           2. If the adjacent aquatic area is located within a mapped severe channel  
3544 migration hazard area, the ~~((aquatic area buffer))~~ riparian area width shall be ~~((the greater~~  
3545 ~~of the aquatic area buffer width as))~~ measured ~~((consistent with subsection A.1. of this~~  
3546 ~~section or))~~ from the outer edge of the severe channel migration hazard area; ~~((and))~~

3547           3. If the ~~((aquatic area buffer))~~ riparian area includes a steep slope hazard area  
3548 or a landslide hazard area, the ~~((aquatic area buffer))~~ riparian area width is the greater of  
3549 ~~((either))~~

3550           a. the ~~((aquatic area buffer))~~ riparian area width as required in this section ~~((or~~  
3551 ~~the top of the hazard area)); or~~

3552           b. the riparian area width as required in this section, extended upslope towards  
3553 the top of the landslide or steep slope hazard area, as measured perpendicular to  
3554 topographic contours, up to a maximum total width of twice the riparian area width  
3555 otherwise required;

3556 4. If the adjacent aquatic area is located within an alluvial fan, the riparian area  
 3557 width is the greater of:

- 3558 a. the riparian area width as defined in this section; or
- 3559 b. the extent of the alluvial fan hazard area; and

3560 5. If the adjacent aquatic area is conveyed underground, the riparian area width  
 3561 is measured only from the above-ground portion of the aquatic area. This riparian area  
 3562 extends in all directions from the point at which the aquatic area enters or exits the  
 3563 underground conveyance system.

3564 B. Within the ((U))urban ((G))growth ((A))area, ((aquatic-area buffers)) riparian  
 3565 area widths shall be as follows:

- 3566 ((1. A type S or F aquatic area buffer is one hundred fifteen feet;
- 3567 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"
- 3568 on the Basin and Shoreline Conditions Map is one hundred sixty five feet;
- 3569 3. A type N aquatic area buffer is sixty five feet; and
- 3570 4. A type O aquatic area buffer is twenty five feet.))

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map</u>	<u>200 feet</u>
<u>All other S or F</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

3571 C. Outside the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area, ~~((aquatic area buffers))~~ riparian  
3572 areas shall be as follows:

3573 ~~((1. A type S or F aquatic area buffer is one hundred sixty five feet;~~

3574 ~~2. A type N aquatic area buffer is sixty five feet; and~~

3575 ~~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>

3576 D. ~~((Within the Bear Creek drainage basin a type N aquatic area buffer in a~~  
3577 ~~designated regionally significant resource area is one hundred feet.~~

3578 E.) The department may approve a modification of ~~((buffer widths if))~~ a riparian  
3579 area width required by this section by averaging the riparian area width, if the resulting  
3580 riparian area meets the following standards:

3581 1. ~~((a. The department determines that through buffer averaging the ecological~~  
3582 ~~structure and function of the resulting buffer is equivalent to or greater than the structure~~  
3583 ~~and function before averaging and meets the following standards:~~

3584 ~~(1) the total area of the buffer is not reduced;~~

3585 ~~(2) the buffer area is contiguous; and~~

3586 ~~(3) averaging does not result in the reduction of the minimum buffer for the~~  
3587 ~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~  
3588 ~~migration hazard area;~~

3589           ~~b. the applicant demonstrates that the buffer cannot provide certain functions~~  
3590 ~~because of soils, geology or topography, in which case the department shall establish a~~  
3591 ~~buffer's width that protects the remaining ecological functions that the buffer can provide;~~

3592           ~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In~~  
3593 ~~modifying the buffers, the department shall consider factors such as, the basin and~~  
3594 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~  
3595 ~~condition and the amount of clearing;~~

3596           ~~d. a legally established roadway transects an aquatic area buffer, the roadway~~  
3597 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~  
3598 ~~the other side of the roadway provides insignificant biological or hydrological function in~~  
3599 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

3600           ~~e. the aquatic area is created or its type is changed as a result of enhancement~~  
3601 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~  
3602 ~~and~~

3603           ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~  
3604 ~~shoreline ecological functions will result when considering projects that combine reduced~~  
3605 ~~buffers and habitat restoration.)) The total land area amount of the riparian area after~~  
3606 ~~averaging is equivalent to or greater than the total land area amount of the riparian area~~  
3607 ~~before averaging;~~

3608           ~~2. The additional riparian area is contiguous with the standard riparian area;~~

3609           ~~3. The riparian area at its narrowest point is never less than seventy-five percent~~  
3610 ~~of the standard required width;~~

3611 4. The width of the riparian area is increased adjacent to the higher functioning  
3612 habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to  
3613 the lower functioning or less sensitive portion, as demonstrated by an ecological critical  
3614 area report from an ecological professional;

3615 5. No net loss of riparian area or adjacent aquatic area functions and values will  
3616 occur as a result of the averaging, as demonstrated by an ecological critical area report  
3617 from an ecological professional;

3618 6. Where the riparian area includes a steep slope, landslide, or alluvial fan  
3619 hazard area, the width of the riparian area is not reduced waterward of the extent of the  
3620 hazard areas;

3621 7. If the site is located within the shoreline jurisdiction, no net loss of shoreline  
3622 ecological functions will result; and

3623 8. Riparian area averaging cannot be combined with any other riparian area  
3624 width modifications.

3625 SECTION 74. Ordinance 15051, Section 195, as amended, and K.C.C.  
3626 21A.24.365 are hereby amended to read as follows:

3627 The following development standards apply to development proposals and  
3628 alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

3629 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3630 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~  
3631 ~~area buffers))~~ riparian areas;

3632 B. Grading for allowed alterations in ~~((aquatic area buffers))~~ riparian areas is  
3633 only allowed from May 1 to October 1. This period may be modified when the

3634 department determines it is necessary along marine shorelines to protect critical forage  
3635 fish and salmonid migration or as provided in K.C.C. 16.82.095;

3636 C. The moisture-holding capacity of the topsoil layer on all areas of the site not  
3637 covered by impervious surfaces should be maintained by:

- 3638 1. Minimizing soil compaction, or
- 3639 2. Reestablishing natural soil structure and the capacity to infiltrate;

3640 D. New structures within a ~~((n-aquatic-area-buffer))~~ riparian area should be sited  
3641 to avoid the creation of future hazard trees and to minimize the impact on groundwater  
3642 movement; ~~((and))~~

3643 E. To the maximum extent practical:

- 3644 1. The soil duff layer should not be disturbed, but if disturbed, should be  
3645 redistributed to other areas of the project site where feasible;
- 3646 2. A spatial connection should be provided between vegetation within and  
3647 outside the ~~((aquatic-area-buffer))~~ riparian area to prevent creation of wind throw hazards;  
3648 and

3649 3. Hazard trees ~~((should be retained))~~ in ~~((aquatic-area-buffers))~~ riparian areas  
3650 ~~((and))~~ should be either topped or pushed over toward the aquatic area, and not taken out  
3651 of the riparian area; ~~((and))~~

3652 F. Mitigation or restoration projects may include climate-smart plants approved  
3653 by King County, but shall not otherwise introduce any plant or wildlife that is not  
3654 indigenous to the Puget Sound lowland into an aquatic area or riparian area unless  
3655 authorized by state or federal approval; and



3656            G. If a restoration, enhancement, or mitigation project proposes to place large  
3657 wood (~~((woody debris))~~) waterward of the ordinary high water mark of a (~~((F))~~)type S  
3658 aquatic area, the applicant shall consider the potential for recreational hazards in project  
3659 design.

3660            SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C.  
3661 21A.24.380 are hereby amended to read as follows:

3662            In addition to the requirements in (~~((K.C.C. 21A.24.130, 21A.24.125 and~~  
3663 ~~21A.24.133))~~ this chapter, the following applies to mitigation to compensate for the  
3664 adverse impacts associated with an alteration to an aquatic area or (~~((aquatic area buffer))~~)  
3665 riparian area:

3666            A. Mitigation measures (~~((must))~~) shall achieve equivalent or greater aquatic or  
3667 riparian area functions than prealteration conditions including, but not limited to:

3668            1. Habitat complexity, connectivity, and other biological, and ecological  
3669 functions;

3670            2. Seasonal hydrological dynamics(~~((;))~~) and water storage capacity (~~((and water~~  
3671 ~~quality))~~); (~~((and))~~)

3672            3. (~~((Geomorphic and habitat processes and functions))~~) Shade and temperature  
3673 control, pollution removal, water purification, and other water quality functions; and

3674            4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural  
3675 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial  
3676 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat  
3677 processes and functions;

3678 B. To the maximum extent practical, permanent ~~((alterations))~~ impacts that  
3679 require mitigation such as restoration or enhancement of the altered aquatic area(~~(;~~  
3680 ~~aquatic area buffer))~~ or riparian area, or another aquatic area or ~~((aquatic area buffer must~~  
3681 ~~consider))~~ riparian area, shall document in a mitigation plan how the following design  
3682 factors(~~(;~~) have been considered as applicable to the function being mitigated:

- 3683 1. The natural channel or shoreline reach dimensions including its depth, width,  
3684 length, and gradient;
- 3685 2. The horizontal alignment and sinuosity;
- 3686 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical  
3687 or similar substrate and similar erosion and sediment transport dynamics;
- 3688 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;  
3689 ~~((and))~~
- 3690 5. Similar native vegetation or climate-smart plant species diversity, size, and  
3691 densities in the ~~((channel, sea bed or lake bottom and on the))~~ adjacent riparian ~~((bank or~~  
3692 ~~buffer))~~ area with similar configuration, spatial arrangement, and solar aspect;
- 3693 6. Similar slope and elevation; and
- 3694 7. Similar soil conditions, including moisture, saturation, and organic content;

3695 C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the  
3696 following standards:

- 3697 1. Not located upstream of a barrier to fish passage; and
- 3698 2. ~~((Is equal or greater in biological function; and~~  
3699 ~~3.))~~ To the maximum extent practical is:

3700 a. located on the site of the alteration or within one-half mile of the site and in  
3701 the same aquatic area reach at a ~~((1:1))~~ 2:1 ratio of area of mitigation to area of  
3702 ~~((alteration))~~ impact; or

3703 ~~((4-Is))~~ b. if unable to be located on the site or within one-half mile of the site,  
3704 located in the same aquatic area drainage subbasin or marine shoreline and attains the  
3705 following ratios of area of functional mitigation to area of ~~((alteration))~~ impact:

3706 ~~((a-))~~ (1) a 3:1 ratio for a type S or F aquatic area; and

3707 ~~((b-))~~ (2) a 2:1 ratio for a type N or O aquatic area;

3708 D. For purposes of subsection C. of this section, ~~((a))~~ mitigation ~~((measure))~~ is in  
3709 the same aquatic area reach if the length of aquatic area ~~((shoreline))~~ or adjacent riparian  
3710 area meets the following criteria:

3711 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

3712 2. Similar processes including erosion and transport of sediment and ~~((woody~~  
3713 ~~debris))~~ large wood;

3714 3. Equivalent or better biological conditions, including presence of and habitat  
3715 for invertebrates, fish, wildlife, and vegetation; and

3716 4. Equivalent or better biological functions, including fish and wildlife mating,  
3717 reproduction, rearing, migration, and refuge; ~~((or))~~ and

3718 5. For tributary streams, a distance of no more than one-half mile from the main  
3719 stem;

3720 E.1. ~~((The department may reduce the mitigation ratios in subsection C. of this~~  
3721 ~~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~~

3722 area if the applicant provides a scientifically rigorous mitigation monitoring program that  
3723 includes the following elements:

3724 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~  
3725 ~~performance standards identified by the department;~~

3726 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~  
3727 ~~and~~

3728 3. ~~Experienced, qualified staff to perform the monitoring))~~ On-site mitigation in  
3729 riparian areas shall use the ratios in subsection E.2. of this section, unless the department  
3730 establishes an alternative mitigation ratio with supplemental actions in accordance with  
3731 subsection F. of this section;

3732 2. Ratios of area of mitigation to area of impact for on-site mitigation for  
3733 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>

3734 F.1. The department may approve an alternative on-site area mitigation ratio to  
3735 subsection E. of this section when the following requirements of subsection F.2. of this  
3736 section are met.

3737 2. Required actions for alternative on-site riparian area mitigation ratio based on  
3738 the type of vegetation impacted;

<u>Adjacent Aquatic Area</u> <u>Type</u>	<u>Impacts to Woody</u> <u>Vegetation</u>	<u>Impacts to Non-Woody</u> <u>Vegetation or</u> <u>unvegetated Areas</u>
<u>Shoreline (S)</u> <u>Fish bearing (F)</u> <u>Non-fish bearing (N)</u>	<u>2:1 ratio with at least one</u> <u>primary action or three</u> <u>secondary actions</u>	<u>1:1 ratio with at least two</u> <u>secondary actions</u>
<u>Other (O)</u>	<u>1:1 ratio with at least one</u> <u>primary action or two</u> <u>secondary actions</u>	<u>1:1 ratio with at least one</u> <u>secondary action</u>

3739

3. Primary actions:

3740

a. placing large wood in adjacent aquatic areas, if not associated with shoreline

3741

stabilization or flood protection facilities;

3742

b. removing a fish passage barrier, if not required by the development permit;

3743

c. removing an aquatic area transportation crossing, such as roads, bridges, or

3744

trails, and revegetating as appropriate. Utility crossings are not included under this

3745

action, unless the removal is part of an integrated transportation crossing removal project;

3746

d. removing shoreline armoring, revetments, or levees; or

3747

e. other similar actions as determined by the department.

3748

4. Secondary actions:

3749

a. planting native trees, climate-smart plants, and shrubs in areas of riparian

3750

area addition lacking native vegetation that are adjacent to and contiguous with existing

3751

riparian areas, within an area equal to one-half of the area of impact. This action cannot

3752 be applied where the riparian area addition requires enhancement to achieve equal  
 3753 function to the impact area;  
 3754 b. placing large wood in riparian areas or an adjacent floodplain;  
 3755 c. installing wildlife snags or similar wildlife nesting or rearing habitat;  
 3756 d. removing floodplain fill and replating with native vegetation or climate-  
 3757 smart plants as appropriate; or  
 3758 e. other similar actions as determined by the department;  
 3759 G.1. If unable to be located on or within one-half mile of the site, off-site  
 3760 mitigation for riparian areas in the same drainage subbasin, may be accepted by the  
 3761 department and shall be in a mitigation banking site, resource mitigation reserve, or  
 3762 conservation easement if on private property. Off-site mitigation shall use the ratios of  
 3763 area of mitigation to area of impact in subsection G.2. of this section.  
 3764 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>

3765 H. For rectifying an illegal alteration to any type of aquatic area or ~~((its buffer))~~  
 3766 riparian area, mitigation measures ~~((must meet the following standards))~~ shall:  
 3767 1. For an aquatic area, be ~~((E))~~ located on the site of the illegal alteration at a  
 3768 ~~((4:1))~~4:1 ratio of area of mitigation to area of ~~((alteration))~~ impact; ~~((and))~~

3769           2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio  
3770 of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1  
3771 ratio for adjacent type O aquatic areas; and

3772           3. To the maximum extent practical, replicates the natural prealteration  
3773 configuration at its natural prealteration location including the factors in subsection B. of  
3774 this section(~~;~~ and

3775           ~~G. The department may modify the requirements in this section if the applicant~~  
3776 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~  
3777 ~~obtained in the affected hydrologic unit that the department may determine to be the~~  
3778 ~~drainage subbasin through alternative mitigation measures.~~

3779           ~~H. For temporary alterations to an aquatic area or its buffer that is predominately~~  
3780 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~  
3781 ~~altered aquatic area or buffer).~~

3782           SECTION 76. Ordinance 15051, Section 198, as amended, and K.C.C.  
3783 21A.24.382 are hereby amended to read as follows:

3784           The following development standards apply to development proposals and  
3785 alterations on sites containing wildlife habitat conservation areas:

3786           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3787 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat  
3788 conservation area;

3789           B. For a bald eagle:

3790           1. The wildlife habitat conservation area is an area with a four-hundred-foot  
3791 radius from an active nest;

3792           2. Between March 15 and April 30, alterations are not allowed within eight  
3793 hundred feet of the nest; and

3794           ((2)) 3. Between January 1 and August 31, land clearing machinery, such as  
3795 bulldozers, graders or other heavy equipment, may not be operated within eight hundred  
3796 feet of the nest;

3797           C. For a great blue heron:

3798           1. The wildlife habitat conservation area is an area with an eight-hundred-  
3799 twenty-foot radius from the rookery. The department may increase the radius up to an  
3800 additional one-hundred sixty-four feet if the department determines that the population of  
3801 the rookery is declining; and

3802           2. Between January 1 and July 31, clearing or grading are not allowed within  
3803 nine-hundred-twenty-four feet of the rookery;

3804           D. For a marbled murrelet, the wildlife habitat conservation area is an area with a  
3805 one-half-mile radius around an active nest;

3806           E. For a northern goshawk, the wildlife habitat conservation area is an area with a  
3807 one-thousand-five-hundred-foot radius around an active nest located outside of the urban  
3808 growth area;

3809           F. For an osprey:

3810           1. The wildlife habitat conservation area is an area with a two-hundred-thirty-  
3811 foot radius around an active nest; and

3812           2. Between April 1 and September 30, alterations are not allowed within six-  
3813 hundred-sixty feet of the nest;

3814           G. For a peregrine falcon:



3815           1. The wildlife habitat conservation area is an area extending for a distance of  
3816 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the  
3817 rim of the cliff, and the area immediately below the cliff;

3818           2. Between March 1 and June 30, land-clearing activities that result in loud  
3819 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within  
3820 one-half mile of the eyrie; and

3821           3. New power lines may not be constructed within one-thousand feet of the  
3822 eyrie;

3823           H. For a spotted owl, the wildlife habitat conservation area is an area with a  
3824 three-thousand-seven-hundred-foot radius from an active nest;

3825           I. For a Townsend's big-eared bat:

3826           1. Between June 1 and October 1, the wildlife habitat conservation area is an  
3827 area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located  
3828 outside of the urban area, with an active nursery colony;

3829           2. Between November 1 and March 31, the wildlife habitat conservation area is  
3830 an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine  
3831 located outside the urban growth area serving as a winter hibernacula;

3832           3. Between March 1 and November 30, a building, bridge, tunnel, or other  
3833 structure used solely for day or night roosting may not be altered or destroyed;

3834           4. Between May 1 and September 15, the entrance into a cave or mine that is  
3835 protected because of bat presence is protected from human entry; and

3836           5. A gate across the entrance to a cave or mine that is protected because of bat  
3837 presence must be designed to allow bats to enter and exit the cave or mine;

3838 J. For a Vaux's swift:

3839 1. The wildlife habitat conservation area is an area with a three-hundred-foot  
3840 radius around an active nest located outside of the urban growth areas;

3841 2. Between April 1 and October 31, clearing, grading, or outdoor construction is  
3842 not allowed within four hundred feet of an active or potential nest tree. The applicant  
3843 may use a species survey to demonstrate that the potential nest tree does not contain an  
3844 active nest;

3845 K. The department shall require protection of an active breeding site of any  
3846 federal or state listed endangered, threatened, sensitive, and candidate species or King  
3847 County species of local importance (~~(not listed in subsections B. through J. of this~~  
3848 ~~section)~~). If the Washington state Department of Fish and Wildlife has adopted  
3849 management recommendations for a species covered by this subsection, the department  
3850 shall follow those management recommendations. If management recommendations  
3851 have not been adopted, the department shall base protection decisions on best available  
3852 science.

3853 SECTION 77. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby  
3854 amended to read as follows:

3855 In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and  
3856 21A.24.133, the following applies to mitigation to compensate for the adverse impacts  
3857 associated with wildlife habitat conservation areas and wildlife habitat networks:

3858 A. Mitigation to compensate for the adverse impacts to a wildlife habitat  
3859 conservation area (~~(must)~~) shall prevent disturbance of each protected species. On-site

3860 mitigation may include management practices, such as timing of the disturbance. Off-site  
3861 mitigation is limited to sites that will enhance the wildlife habitat conservation area;

3862 B. Mitigation to compensate for the adverse impacts to the wildlife habitat  
3863 network must achieve equivalent or greater biologic functions including, but not limited  
3864 to, habitat complexity and connectivity functions. Specific mitigation requirements for  
3865 impacts to the wildlife habitat network shall:

3866 1. Expand or enhance the wildlife network as close to the location of impact as  
3867 feasible; and

3868 2. Attain the following ratios of area of mitigation to area of alteration:

3869 a. for mitigation on site:

3870 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

3871 and

3872 (2) 1.5:1 ratio for enhancement or restoration; and

3873 b. for mitigation off-site:

3874 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

3875 and

3876 (2) 3:1 ratio for enhancement or restoration;

3877 C. For temporary alterations, the department may require rectification,  
3878 restoration, or enhancement of the altered wildlife habitat network;

3879 D. The department may increase the width of the wildlife habitat network to  
3880 mitigate for risks to habitat functions;

3881 E. To the maximum extent practical, mitigation projects involving wildlife  
3882 habitat network restoration should provide replication of the site's prealteration natural  
3883 environment including:

- 3884 1. Soil type, conditions, and physical features;
- 3885 2. Vegetation diversity and density; and
- 3886 3. Biologic and habitat functions; and

3887 F. The department may modify the requirements in this section if the applicant  
3888 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife  
3889 habitat conservation area or wildlife habitat network through alternative mitigation  
3890 measures.

3891 SECTION 78. Ordinance 16958, Section 31, as amended, and K.C.C.

3892 21A.25.100 are hereby amended to read as follows:

3893 A. The shoreline use table in this section determines whether a specific use is  
3894 allowed within each of the shoreline environments. The shoreline environment is located  
3895 on the vertical column and the specific use is located on the horizontal row of the table.  
3896 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The  
3897 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be  
3898 interpreted as follows:

3899 1. If the cell is blank in the box at the intersection of the column and the row,  
3900 the use is prohibited in that shoreline environment;

3901 2. If the letter "P" appears in the box at the intersection of the column and the  
3902 row, the use may be allowed within the shoreline environment;

3903 3. If the letter "C" appears in the box at the intersection of the column and the  
3904 row, the use may be allowed within the shoreline environment subject to the shoreline  
3905 conditional use review procedures specified in K.C.C. 21A.44.100;

3906 4. If a number appears in the box at the intersection of the column and the row,  
3907 the use may be allowed subject to the appropriate review process in this section, the  
3908 general requirements of this chapter and the specific development conditions indicated  
3909 with the corresponding number in subsection C. of this section. If more than one number  
3910 appears after a letter, all numbers apply;

3911 5. If more than one letter-number combination appears in the box at the  
3912 intersection of the column and the row, the use is allowed in accordance with each letter-  
3913 number combination;

3914 6. A shoreline use may be allowed in the aquatic environment only if that  
3915 shoreline use is allowed in the adjacent shoreland environment; and

3916 7. This section does not authorize a land use that is not allowed by the  
3917 underlying zoning, but may add additional restrictions or conditions or prohibit specific  
3918 land uses within the shoreline jurisdiction. When there is a conflict between the allowed  
3919 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for  
3920 shoreline uses shall first be given to water-dependent uses, then to water related uses, and  
3921 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with  
3922 all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master  
3923 ~~((P))~~program.

3924 B. Shoreline uses.

	High	Resident	Rur	Conserva	Resour	Fores	Natur	Aqua
--	------	----------	-----	----------	--------	-------	-------	------

	Intensi ty	ial	al	ncy	ce	try	al	tic
<b>Agriculture</b>								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture (fish and wildlife management K.C.C. 21A.08.090)</b>								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non- salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2

Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
<b>Government Services</b>								
Government	P9	P9	P9	P9	P9	P9	P9	C10

services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)								
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								
Manufacturing (K.C.C. 21A.08.080)	P12							
<b>In-stream structural uses</b>								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production	C13	C13	C13			C13		C13



(K.C.C. 21A.08.100)								
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
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational</b>								

<b>Development</b>								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
<b>Residential Development</b>								
Single detached residences (K.C.C. 21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx <del>((the new section created by))</del> <u>Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))</u> <u>Section 148 ((of Proposed Ordinance 2023-</u>		P	P	P	P	C22	C22	

0442)))								
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 (( <del>the</del> <del>new section created</del> by)) <u>Ordinance</u> <u>XXXXX (Proposed</u> <u>Ordinance 2024-</u>	P23	P						

<del>0440), ((s))Section 148 ((of Proposed Ordinance 2023- 0442))))</del>								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
<b>Transportation and parking</b>								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C.								

21A.08.060)								
<b>Utilities</b>								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
<b>Regional land uses</b>								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

3925

C. Development conditions:

3926

1. In the ((~~N~~))natural shoreline environment, limited to low intensity agriculture,

3927

such as livestock use with an animal unit density of no more than one per two acres in the

3928

shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to

3929

exceed twenty percent of the site area located within the shoreline jurisdiction.

3930

2.a. The supporting infrastructure for aquaculture may be located landward of

3931

the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

3932           b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

3933           c. In aquatic areas adjacent to the residential shoreline environment, net pen  
3934 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
3935 high water mark of this environment, unless the department allows a specific lesser  
3936 distance that it determines is appropriate based upon a visual impact analysis. Other  
3937 types of floating culture facilities may be located within one thousand five hundred feet  
3938 of the ordinary high water mark if supported by a visual impact analysis.

3939           d. In aquatic areas adjacent to the rural shoreline environment, net pen  
3940 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
3941 high water mark of this environment, unless the department allows a specific lesser  
3942 distance that it determines is appropriate based upon a visual impact analysis.

3943           e. In the natural shoreline environment and aquatic areas adjacent to the natural  
3944 shoreline environment, commercial net pens are prohibited, and other aquaculture  
3945 activities are limited to activities that do not require structures, facilities, or mechanized  
3946 harvest practices and that will not alter the natural systems, features, or character of the  
3947 site.

3948           f. Farm-raised geoduck aquaculture requires a shoreline substantial  
3949 development permit if a specific project or practice causes substantial interference with  
3950 normal public use of the surface waters.

3951           g. A conditional use permit is required for new commercial geoduck  
3952 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of  
3953 planting and harvest shall not require a new conditional permit.

3954 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,  
3955 from Piner Point to Point Robinson.

3956 b. Marinas shall meet the standards in K.C.C. 21A.25.120.

3957 4. Water dependent general services land uses in K.C.C. 21A.08.050 are  
3958 allowed. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are only  
3959 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
3960 do not have an easement that provides direct access to the water.

3961 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are  
3962 allowed.

3963 b. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are  
3964 only allowed as part of a shoreline mixed-use development that includes water-dependent  
3965 uses.

3966 c. Nonwater-oriented general service((s)) land uses shall provide a  
3967 ((significant)) public benefit by ((helping to achieve)) achieving one or more of the  
3968 following shoreline master program goals:

3969 (1) economic development for water-dependent uses;

3970 (2) public access;

3971 (3) water-oriented recreation;

3972 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
3973 habitat; ((and)) or

3974 (5) protection and restoration of historic properties.

3975 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

3976 Water-related business service((s)) uses are only allowed as part of a shoreline mixed-use

3977 development and only if they support a water-dependent use. The water-related business  
3978 service((s)) uses shall comprise less than one-half of the square footage of the structures  
3979 or the portion of the site within the shoreline jurisdiction.

3980 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

3981 b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as  
3982 part of a shoreline mixed-use development if the nonwater-dependent retail use supports  
3983 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the  
3984 square footage of the structures or the portion of the site within the shoreline jurisdiction.

3985 c. Nonwater-oriented retail uses shall provide a significant public benefit by  
3986 helping to achieve one or more of the following shoreline master program goals:

3987 (1) economic development for water-dependent uses;

3988 (2) public access;

3989 (3) water-oriented recreation;

3990 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

3991 habitat; and

3992 (5) protection and restoration of historic properties.

3993 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-  
3994 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a  
3995 significant public benefit by helping to achieve one or more of the following shoreline  
3996 master program goals:

3997 a. economic development for water-dependent uses;

3998 b. public access;

3999 c. water-oriented recreation;



4000 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
4001 habitat; and

4002 e. protection and restoration of historic properties.

4003 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

4004 b. Nonwater-dependent government services in K.C.C. 21A.08.060 are only  
4005 allowed as part of a shoreline mixed-use development if the nonwater-dependent  
4006 government use supports a water-dependent use. Nonwater-dependent uses shall  
4007 comprise less than one-half of the square footage of the structures or the portion of the  
4008 site within the shoreline jurisdiction. Only low-intensity water-dependent government  
4009 services are allowed in the ~~((N))~~natural environment.

4010 10. The following standards apply to government services uses within the  
4011 ~~((A))~~aquatic environment:

4012 a. Stormwater and sewage outfalls are allowed if upland treatment and  
4013 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on  
4014 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,  
4015 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,  
4016 except from Piner Point to Point Robinson;

4017 b. Water intakes shall not be located near fish spawning, migratory, or rearing  
4018 areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife  
4019 fish screening criteria. To the maximum extent practical, intakes should be placed at  
4020 least thirty feet below the ordinary high water mark;

4021 c. Desalinization facilities shall not be located near fish spawning, migratory,  
4022 or rearing areas. Intakes should generally be placed deeper than thirty feet below the

4023 ordinary high water mark and shall adhere to Washington state Department Fish and  
4024 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated  
4025 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner  
4026 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on  
4027 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

4028 d. ~~(C)~~ cable crossings for telecommunications and power lines shall:

4029 (1) be routed around or drilled below aquatic critical habitat or species;

4030 (2) be installed in sites free of vegetation, as determined by physical or video  
4031 seabed survey;

4032 (3) be buried, preferably using directional drilling, from the uplands to  
4033 waterward of the deepest documented occurrence of native aquatic vegetation; and

4034 (4) use the best available technology;

4035 e. ~~(O)~~ oil, gas, water, and other pipelines shall meet the same standards as  
4036 cable crossings and in addition:

4037 (1) pipelines shall be directionally drilled to depths of seventy feet or one half  
4038 mile from the ordinary high water mark; and

4039 (2) use the best available technology for operation and maintenance;

4040 f. ~~(B)~~ breakwaters are not allowed within the Maury Island Aquatic Reserve  
4041 or within the ~~(A)~~ aquatic environment adjacent to the ~~(C)~~ conservancy and ~~(N)~~ natural  
4042 shorelines.

4043 11. In the ~~(N)~~ natural shoreline environment, limited to low intensity forest  
4044 practices that conserve or enhance the health and diversity of the forest ecosystem or  
4045 ecological and hydrologic functions conducted for the purpose of accomplishing specific

4046 ecological enhancement objectives. In all shoreline environments, forest practices shall  
4047 meet the standards in K.C.C. 21A.25.130.

4048 12. Manufacturing uses in the shoreline environment shall give preference first  
4049 to water-dependent manufacturing uses and second to water-related manufacturing uses:

4050 a. ~~((N))~~nonwater-oriented manufacturing uses are allowed only:

4051 (1) as part of a shoreline mixed-use development that includes a water-  
4052 dependent use, but only if the water-dependent use comprises over fifty percent of the  
4053 floor area or portion of the site within the shoreline jurisdiction;

4054 (2) on sites where navigability is severely limited; or

4055 (3) on sites that are not contiguous with the ordinary high water mark or on  
4056 sites that do not have an easement that provides direct access to the water; and

4057 (4) all nonwater-oriented manufacturing uses shall also provide a significant  
4058 public benefit, such as ecological restoration, environmental clean-up, historic  
4059 preservation, or water-dependent public education;

4060 b. public access is required for all manufacturing uses unless it would result in  
4061 a public safety risk or is incompatible with the use;

4062 c. shall be located, designed, and constructed in a manner that ensures that  
4063 there are no significant adverse impacts to other shoreline resources and values;

4064 d. restoration is required for all new manufacturing uses; and

4065 e. boat repair facilities are not allowed within the Maury Island Aquatic

4066 Reserve, except as follows:

4067 (1) engine repair or maintenance conducted within the engine space without  
4068 vessel haul-out;

4069 (2) topside cleaning, detailing, and bright work;  
4070 (3) electronics servicing and maintenance;  
4071 (4) marine sanitation device servicing and maintenance that does not require  
4072 haul-out;  
4073 (5) vessel rigging; and  
4074 (6) minor repairs or modifications to the vessel's superstructure and hull  
4075 above the waterline that do not exceed twenty-five percent of the vessel's surface area  
4076 above the waterline.

4077 13. The water-dependent in-stream portion of a hydroelectric generation facility,  
4078 wastewater treatment facility, and municipal water production are allowed, including the  
4079 upland supporting infrastructure, and shall provide for the protection and preservation, of  
4080 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
4081 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
4082 hydrogeological processes, and natural scenic vistas.

4083 14. New in-stream portions of utility facilities may be located within the  
4084 shoreline jurisdiction if:

- 4085 a. there is no feasible alternate location;
- 4086 b. provision is made to protect and preserve ecosystem-wide processes,  
4087 ecological functions, and cultural resources, including, but not limited to, fish and fish  
4088 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
4089 and natural scenic vistas; and
- 4090 c. the use complies with the standards in K.C.C. 21A.25.260.

4091           15. Limited to in-stream infrastructure, such as bridges, and shall consider the  
4092 priorities of the King County Shoreline Protection and Restoration Plan when designing  
4093 in-stream transportation facilities. In-stream structures shall provide for the protection  
4094 and preservation of ecosystem-wide processes, ecological functions, and cultural  
4095 resources, including, but not limited to, fish and fish passage, wildlife and water  
4096 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

4097           16. Limited to hatchery and fish preserves.

4098           17. Mineral uses:

4099           a. shall meet the standards in K.C.C. chapter 21A.22;

4100           b. shall be dependent upon a shoreline location;

4101           c. shall avoid and mitigate adverse impacts to the shoreline environment

4102 during the course of mining and reclamation to achieve no net loss of shoreline ecological

4103 function. In determining whether there will be no net loss of shoreline ecological

4104 function, the evaluation may be based on the final reclamation required for the site.

4105 Preference shall be given to mining proposals that result in the creation, restoration, or

4106 enhancement of habitat for priority species;

4107           d. shall provide for reclamation of disturbed shoreline areas to achieve

4108 appropriate ecological functions consistent with the setting;

4109           e. may be allowed within the active channel of a river only as follows:

4110           (1) removal of specified quantities of sand and gravel or other materials at

4111 specific locations will not adversely affect the natural processes of gravel transportation

4112 for the river system as a whole;

4113 (2) the mining and any associated permitted activities will not have  
4114 significant adverse impacts to habitat for priority species nor cause a net loss of  
4115 ecological functions of the shoreline; and

4116 (3) if no review has been previously conducted under this subsection C.17.e.,  
4117 before renewing, extending, or reauthorizing gravel bar and other in-channel mining  
4118 operations in locations where they have previously been conducted, the department shall  
4119 require compliance with this subsection C.17.e. If there has been prior review, the  
4120 department shall review previous determinations comparable to the requirements of this  
4121 section C.17.e. to ensure compliance with this subsection under current site conditions;  
4122 and

4123 f. shall comply with K.C.C. 21A.25.190.

4124 18. Only water-dependent recreational uses are allowed, except for public parks  
4125 and trails, in the ~~((H))~~high ~~((I))~~intensity shoreline environment and shall meet the  
4126 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4127 19. Water-dependent and water-enjoyment recreational uses are allowed in the  
4128 ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the  
4129 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4130 20. In the ~~((C))~~conservancy shoreline environment, only the following  
4131 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public  
4132 access and K.C.C. 21A.25.150 for recreation:

4133 a. parks; and

4134 b. trails.

- 4135            21. In the ((N))natural shoreline environment, only passive and low-impact  
4136 recreational uses are allowed.
- 4137            22. Single detached residences shall be located outside of the ((~~aquatic area~~  
4138 ~~buffer~~)) riparian area and set back from the ordinary high water mark to the maximum  
4139 extent practical.
- 4140            23. Only allowed as part of a water-dependent shoreline mixed-use development  
4141 where water-dependent uses comprise more than half of the square footage of the  
4142 structures on the portion of the site within the shoreline jurisdiction.
- 4143            24. Residential accessory uses shall meet the following standards:
- 4144            a. docks, piers, moorage, buoys, floats, or launching facilities shall comply  
4145 with the standards in K.C.C. 21A.25.180;
- 4146            b. residential accessory structures located within the ((~~aquatic area buffer~~))  
4147 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and
- 4148            c. accessory structures shall be sited to preserve visual access to the shoreline  
4149 to the maximum extent practical.
- 4150            25. New highway and street construction is allowed only if there is no feasible  
4151 alternate location. Only low-intensity transportation infrastructure is allowed in the  
4152 ((N))natural environment.
- 4153            26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.
- 4154            27. Only bed and breakfast guesthouses.
- 4155            28. Only in a marina.
- 4156            29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.
- 4157            30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4158            SECTION 79. Ordinance 16985, Section 32, as amended, and K.C.C.

4159            21A.25.110 are hereby amended to read as follows:

4160            An applicant for an aquaculture facility shall use the sequential measures in

4161            K.C.C. 21A.25.080. The following standards apply to aquaculture:

4162            A. Unless the applicant demonstrates that the substrate modification will result in

4163            an increase in native habitat diversity, aquaculture that involves little or no substrate

4164            modification shall be given preference over aquaculture that involves substantial

4165            substrate modification and the degree of proposed substrate modification shall be limited

4166            to the maximum extent practical.

4167            B. The installation of submerged structures, intertidal structures and floating

4168            structures shall be limited to the maximum extent practical.

4169            C. Aquaculture proposals that involve substantial substrate modification or

4170            sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other

4171            similar mechanisms, shall not be allowed in areas where the proposal would adversely

4172            impact critical saltwater or critical freshwater habitats.

4173            D. Aquaculture activities that after implementation of mitigation measures would

4174            have a significant adverse impact on natural, dynamic shoreline processes, or that would

4175            result in a net loss of shoreline ecological functions shall be prohibited.

4176            E. Aquaculture should not be located in areas that will result in significant

4177            conflicts with navigation or other water-dependent uses.

4178            F. Aquaculture facilities shall be designed, located, and managed to prevent the

4179            spread of diseases to native aquatic life or the spread of new nonnative species.

4180            G. Aquaculture practices shall be designed to minimize use of artificial chemical



4181 substances and shall use chemical compounds that are least persistent and have the least  
4182 impact on plants and animals. Herbicides and pesticides shall be used only in  
4183 conformance with state and federal standards and to the minimum extent needed for the  
4184 health of the aquaculture activity.

4185 H. Noncommercial native salmon net pen facilities that involve minimal  
4186 supplemental feeding and limited use of chemicals or antibiotics as provided in  
4187 subsection G. of this section may be located in King County marine waters if they are  
4188 consistent with subsections S. and Y. of this section and are:

- 4189 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;
- 4190 2. For the limited penned cultivation of wild salmon stocks during a limited  
4191 portion of their lifecycle to enhance restoration of native stocks; or
- 4192 3. For rearing to adulthood in order to harvest eggs as part of a captive brood  
4193 stock recovery program for endangered species.

4194 I. If uncertainty exists regarding potential impacts of a proposed aquaculture  
4195 activity and for all experimental aquaculture activities, unless otherwise provided for, the  
4196 department may require baseline and periodic operational monitoring by a county-  
4197 approved consultant, at the applicant's expense, and shall continue until adequate  
4198 information is available to determine the success of the project and the magnitude of any  
4199 probable (~~(significant)~~) adverse environmental impacts. Permits for such activities shall  
4200 include specific performance measures and provisions for adjustment or termination of  
4201 the project at any time if monitoring indicates (~~(significant)~~) adverse environmental  
4202 impacts that cannot be adequately mitigated.

4203 J. Aquaculture developments approved on an experimental basis shall not exceed

4204 five acres in area, except land-based projects and anchorage for floating systems, and  
4205 three years in duration. The department may issue a new permit to continue an  
4206 experimental project as many times as it determines is necessary and appropriate.

4207 K. The department may require aquaculture operations to carry liability insurance  
4208 in an amount commensurate with the risk of injury or damage to any person or property  
4209 as a result of the project. Insurance requirements shall not be required to duplicate  
4210 requirements of other agencies.

4211 L. If aquaculture activities are authorized to use public facilities, such as boat  
4212 launches or docks, King County may require the applicant to pay a portion of the cost of  
4213 maintenance and any required improvements commensurate with the use of those  
4214 facilities.

4215 M. New aquatic species that are not previously cultivated in Washington state  
4216 shall not be introduced into King County saltwaters or freshwaters without prior written  
4217 approval of the Director of the Washington state Department of Fish and Wildlife and the  
4218 Director of the Washington state Department of Health. This prohibition does not apply  
4219 to((:)) Pacific, Olympia, Kumomoto, Belon<sub>2</sub> or Virginica oysters; Manila, Butter, or  
4220 Littleneck clams; or Geoduck clams.

4221 N. Unless otherwise provided in the shoreline permit issued by the department,  
4222 repeated introduction of an approved organism after harvest in the same location shall  
4223 require approval by the county only at the time the initial aquaculture use permit is  
4224 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic  
4225 organism in any area within the waters of King County regardless of whether it is a native  
4226 or resident organism within the county and regardless of whether it is being transferred

4227 from within or without the waters of King County.

4228 O. For aquaculture projects, overwater structures shall be allowed only if  
4229 necessary for the immediate and regular operation of the facility. Overwater structures  
4230 shall be limited to the storage of necessary tools and apparatus in containers of not more  
4231 than three feet in height, as measured from the surface of the raft or dock.

4232 P. Except for the sorting or culling of the cultured organism after harvest and the  
4233 washing or removal of surface materials or organisms before or after harvest, no  
4234 processing of any aquaculture product shall occur in or over the water unless specifically  
4235 approved by permit. All other processing and processing facilities shall be located  
4236 landward of the ordinary high water mark.

4237 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict  
4238 compliance with all applicable governmental waste disposal standards, including, but not  
4239 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water  
4240 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the  
4241 site of any aquaculture operation.

4242 R. Unless approved in writing by the National Marine Fisheries Service or the  
4243 U.S. Fish and Wildlife Service, predator control shall not involve the killing or  
4244 harassment of birds or mammals. Approved controls include, but are not limited to,  
4245 double netting for seals, overhead netting for birds, and three-foot high fencing or netting  
4246 for otters. The use of other nonlethal, nonabusive predator control measures shall be  
4247 contingent upon receipt of written approval from the National Marine Fisheries Service  
4248 or the U.S. Fish and Wildlife Service, as required.

4249 S. Finfish net pens and rafts shall meet the following criteria in addition to the

4250 other applicable regulations of this section:

4251           1. Finfish net pens shall not be located in Quartermaster Harbor. For the  
4252 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north  
4253 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner  
4254 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

4255           2. Finfish net pens shall meet, at a minimum, state approved administrative  
4256 guidelines for the management of net pen cultures. In the event there is a conflict in  
4257 requirements, the more restrictive requirement shall prevail;

4258           3. Finfish net pens shall not occupy more than two surface acres of water area,  
4259 excluding booming and anchoring requirements. Anchors that minimize disturbance to  
4260 substrate, such as helical anchors, shall be employed. Such operations shall not use  
4261 chemicals or antibiotics;

4262           4. Aquaculture proposals that include new or added net pens or rafts shall not be  
4263 located closer than one nautical mile to any other aquaculture facility that includes net  
4264 pens or rafts. The department may authorize a lesser distance if the applicant  
4265 demonstrates to the satisfaction of the department that the proposal will be consistent  
4266 with the environmental and aesthetic policies and objectives of this chapter and the  
4267 shoreline master program. The applicant shall demonstrate to the satisfaction of the  
4268 department that the cumulative impacts of existing and proposed operations would not be  
4269 contrary to the policies and regulations of the program;

4270           5. Net cleaning activities shall be conducted on a frequent enough basis so as  
4271 not to violate state water quality standards. When feasible, the cleaning of nets and other  
4272 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

4273           6. In the event of a significant fish kill at the site of a net pen facility, the finfish  
4274 aquaculture operator shall submit a timely report to public health – Seattle & King  
4275 County, environmental health division, and the department of local services, permitting  
4276 division, stating the cause of death and shall detail remedial actions to be implemented to  
4277 prevent reoccurrence.

4278           T. All floating and submerged aquaculture structures and facilities in navigable  
4279 waters shall be marked in accordance with United States Coast Guard requirements.

4280           U. The rights of treaty tribes to aquatic resources within their usual and  
4281 accustomed areas shall be addressed through direct coordination between the applicant  
4282 and the affected Indian tribes through the permit review process.

4283           V. Aquaculture structures and equipment shall be of sound construction and shall  
4284 be so maintained. Abandoned or unsafe structures and equipment shall be removed or  
4285 repaired promptly by the owner. Where any structure might constitute a potential hazard  
4286 to the public in the future, the department shall require the posting of a bond  
4287 commensurate with the cost of removal or repair. The department may abate an  
4288 abandoned or unsafe structure in accordance with K.C.C. Title 23.

4289           W. Aquaculture shall not be approved where it will adversely impact eelgrass and  
4290 macroalgae.

4291           X. Commercial salmon net pens and nonnative marine finfish aquaculture are  
4292 prohibited.

4293           Y. Finfish net pens shall be consistent with the applicable aquaculture regulations  
4294 in this section and shall meet the following criteria and requirements:

4295           1. Each finfish net pen application shall provide a current, peer-reviewed

4296 science review of environmental issues related to finfish net pen aquaculture;

4297 2. The department shall only approve a finfish net pen application if the

4298 department determines the scientific review demonstrates:

4299 a. that the project construction and activities will achieve no net loss of

4300 ecological function in a manner that has no ((significant)) adverse short-term impact and

4301 no documented adverse long-term impact to applicable elements of the environment,

4302 including, but not limited to, habitat for native salmonids, water quality, critical saltwater

4303 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the

4304 benthic community below the net pen or other environmental attributes; and

4305 b. that the finfish net pen does not involve significant risk of cumulative

4306 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or

4307 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other

4308 adverse effects on native species or threatened or endangered species and their habitats;

4309 3. The department's review shall:

4310 a. include an assessment of the risk to endangered species, non-endangered

4311 species, and other biota that could be affected by the finfish net pen; and

4312 b. evaluate and model water quality impacts utilizing current information,

4313 technology, and assessment models. The project proponent shall be financially

4314 responsible for this water quality assessment;

4315 4. Finfish net pens shall be designed, constructed and maintained to prevent

4316 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,

4317 wind and wave events of record, floating and submerged debris, and tidal action;

4318 5. Finfish net pens shall not be located:

4319 a. within three hundred feet of an area containing eelgrass or a kelp bed;  
4320 b. within one thousand five hundred feet of an ordinary high water mark; or  
4321 c. in a designated Washington state Department of Natural Resources aquatic  
4322 reserve;

4323 6. A finfish net pen may not be used to mitigate the impact of a development  
4324 proposal; and

4325 7. For finfish net pens that are not noncommercial native salmon net pens, the  
4326 conditional use permit for the net pen shall be renewed every five years. An updated  
4327 scientific review shall be conducted as part of the renewal and shall include a new risk  
4328 assessment and evaluation of the impact of the operation of the finfish net pen during the  
4329 previous five years.

4330 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

4331 SECTION 80. Ordinance 3688, Section 415, as amended, and K.C.C.

4332 21A.25.150 are hereby amended to read as follows:

4333 Recreational development must meet the following standards:

4334 A. The recreational development must be permitted in the underlying zone;

4335 B. Recreational uses in the ((N))natural shoreline environment must be water-  
4336 oriented;

4337 C. Swimming areas shall be separated from boat launch areas and marinas, to the  
4338 maximum extent practical;

4339 D. The development of underwater sites for sport diving shall not:

4340 1. Take place at depths of greater than eighty feet;

4341 2. Constitute a navigational hazard; and

4342           3. Be located in areas where the normal waterborne traffic would constitute a  
4343 hazard to those people who may use such a site;

4344           E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,  
4345 and launching facilities below the ordinary high water mark shall be governed by the  
4346 regulations relating to docks, piers, moorage, buoys, floats, or launching facility  
4347 construction in K.C.C. 21A.25.180;

4348           F. Public boat launching facilities or marinas shall be governed by K.C.C.  
4349 21A.25.120;

4350           G. Campgrounds in the ~~((N))~~natural shoreline environment shall meet the  
4351 following conditions:

4352           1. Campsites shall be located outside the shoreline jurisdiction if possible, and if  
4353 not, be located outside of critical area~~((s))~~ buffers;

4354           2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

4355           3. Removal of vegetation shall be limited to the maximum extent practical;

4356           H. Public contact with unique and fragile areas shall be permitted where it is  
4357 possible without destroying the natural character of the area;

4358           I. Water viewing, nature study, recording, and viewing shall be accommodated  
4359 by open space, platforms, benches or shelter, consistent with public safety and security;

4360           J. Public recreation shall be provided on county-owned lands consistent with this  
4361 chapter unless the director determines public recreation is not compatible with other uses  
4362 on the site or will create a public safety risk; and

4363           K. To the maximum extent practical, proposals for non water oriented active  
4364 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be



4365 permitted where the non water oriented active recreation facility would have an adverse  
4366 impact on critical saltwater or critical freshwater habitats.

4367 SECTION 81. Ordinance 16985, Section 39, as amended, and K.C.C.

4368 21A.25.160 are hereby amended to read as follows:

4369 A. The shoreline modification table in this section determines whether a specific  
4370 shoreline modification is allowed within each of the shoreline environments. The  
4371 shoreline environment is located on the vertical column and the specific use is located on  
4372 the horizontal row of the table. The specific modifications are grouped by the shoreline  
4373 modification categories in WAC 173-26-231. The table should be interpreted as follows:

4374 1. If the cell is blank in the box at the intersection of the column and the row,  
4375 the modification is prohibited in that shoreline environment;

4376 2. If the letter "P" appears in the box at the intersection of the column and the  
4377 row, the modification may be allowed within the shoreline environment;

4378 3. If the letter "C" appears in the box at the intersection of the column and the  
4379 row, the modification may be allowed within the shoreline environment subject to the  
4380 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4381 4. If a number appears in the box at the intersection of the column and the row,  
4382 the modification may be allowed subject to the appropriate review process indicated in  
4383 this section and the specific development conditions indicated with the corresponding  
4384 number immediately following the table, and only if the underlying zoning allows the  
4385 modification. If more than one number appears at the intersection of the column and  
4386 row, both numbers apply;

4387           5. If more than one letter-number combination appears in the box at the  
 4388 intersection of the column and the row, the modification is allowed within that shoreline  
 4389 environment subject to different sets of limitations or conditions depending on the review  
 4390 process indicated by the letter, the specific development conditions indicated in the  
 4391 development condition with the corresponding number immediately following the table;

4392           6. A shoreline modification may be allowed in the aquatic environment only if  
 4393 that shoreline modification is allowed in the adjacent shoreland environment; and

4394           7. This section does not authorize a shoreline modification that is not allowed  
 4395 by the underlying zoning, but may add additional restrictions or conditions or prohibit  
 4396 specific modifications within the shoreline jurisdiction. All shoreline modifications in  
 4397 the shoreline jurisdiction shall comply with all relevant county code provisions and with  
 4398 the King County shoreline master program.

4399           B. Shoreline modifications.

	<b>High Inten sity</b>	<b>Resident ial</b>	<b>Rur al</b>	<b>Conserv ancy</b>	<b>Resour ce</b>	<b>Fores try</b>	<b>Natu ral</b>	<b>Aqua tic</b>
<b>Shoreline stabilization</b>								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection	P2	P2	P2	P2	P2		P2	P2

facilities								
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
<b>Fill</b>								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins, and weirs</b>								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
<b>Dredging and dredge material disposal</b>								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural</b>								

<b>systems enhancement projects</b>								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

4400 C. Development conditions.

4401 1. New and replacement shoreline stabilization, including bulkheads, shall meet  
4402 the standards in K.C.C. 21A.25.170;

4403 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.  
4404 chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King  
4405 County Flood Management Plan, and the Integrated ((~~Stream~~)) Streambank Protection  
4406 Guidelines (Washington state ((~~the~~)) Departments of Fish and Wildlife, Ecology, and  
4407 Transportation, 2003). New structural flood hazard protection measures are allowed in  
4408 the shoreline jurisdiction only when the applicant demonstrates by a scientific and  
4409 engineering analysis that the structural measures are necessary to protect existing  
4410 development, that nonstructural measures are not feasible and that the impact on

4411 ecological functions and priority species and habitats can be successfully mitigated ((se  
4412 as)) to assure no net loss of shoreline ecological functions. New flood protection  
4413 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.  
4414 21A.25.170.

4415           b. Relocation, replacement, or expansion of existing flood control facilities  
4416 within the ((N))natural shoreline environment are allowed, subject to the requirements of  
4417 the King ((e))County Flood ((Hazard)) Management Plan and consistent with the  
4418 Washington State Aquatic Guidelines Program's Integrated Streambank Protection  
4419 Guidelines and bioengineering techniques used to the maximum extent practical. New  
4420 facilities would only be allowed consistent with an approved watershed resources  
4421 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

4422           3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with  
4423 the standards in K.C.C. 21A.25.180;

4424           4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

4425           b. A shoreline conditional use permit is required to:

4426           (1) Place fill waterward of the ordinary high water mark for any use except  
4427 ecological restoration or for the maintenance and repair of flood protection facilities; and

4428           (2) Dispose of dredged material within shorelands or wetlands within a  
4429 channel migration zone;

4430           c. ((F))fill shall not be placed in critical saltwater or critical freshwater habitats  
4431 except when all ((e)) the following conditions are met:

4432           (1) the public's need for the proposal is clearly demonstrated and the proposal  
4433 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4434 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by  
4435 an alternative alignment or location is not feasible or would result in unreasonable and  
4436 disproportionate cost to accomplish the same general purpose;

4437 (3) the project including any required mitigation, will result in no net loss of  
4438 ecological functions associated with critical saltwater or critical freshwater habitats; and

4439 (4) the project is consistent with the state's interest in resource protection and  
4440 species recovery; and

4441 d. In a channel migration zone, any filling shall protect shoreline ecological  
4442 functions, including channel migration.

4443 5.a. Breakwaters, jetties, groins, and weirs:

4444 (1) are only allowed where necessary to support water dependent uses, public  
4445 access, approved shoreline stabilization, or other public uses, as determined by the  
4446 director;

4447 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
4448 habitat restoration project or as an alternative to construction of a shoreline stabilization  
4449 structure;

4450 (3) shall not intrude into or over critical saltwater or critical freshwater  
4451 habitats except when all ((~~of~~)) the following conditions are met:

4452 (a) the public's need for the structure is clearly demonstrated and the  
4453 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4454 (b) avoidance of impacts to critical saltwater or critical freshwater habitats  
4455 by an alternative alignment or location is not feasible or would result in unreasonable and  
4456 disproportionate cost to accomplish the same general purpose;

4457 (c) the project including any required mitigation, will result in no net loss of  
4458 ecological functions associated with critical saltwater or critical freshwater habitats; and

4459 (d) the project is consistent with the state's interest in resource protection  
4460 and species recovery.

4461 b. Groins are only allowed as part of a restoration project sponsored or  
4462 cosponsored by a public agency that has natural resource management as a primary  
4463 function.

4464 c. A conditional shoreline use permit is required, except for structures installed  
4465 to protect or restore shoreline ecological functions.

4466 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.  
4467 21A.25.190. A shoreline conditional use permit is required to dispose of dredged  
4468 material within shorelands, wetlands, or side channels within a channel migration zone.

4469 7.a. If the department determines the primary purpose is restoration of the  
4470 natural character and ecological functions of the shoreline, a shoreline habitat, and natural  
4471 systems enhancement project may include shoreline modification of vegetation, removal  
4472 of nonnative or invasive plants, and shoreline stabilization, including the installation of  
4473 large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through  
4474 biological assessments required by the National Marine Fisheries Services and applied to  
4475 flood hazard mitigation projects may include shoreline modifications of vegetation,  
4476 removal of nonnative or invasive plants, and shoreline stabilization, including the  
4477 installation of large ((~~woody debris~~)) wood, dredging, and filling.

4478           b. Within the urban growth area, the county may grant relief from shoreline  
4479 master program development standards and use regulations resulting from shoreline  
4480 restoration projects consistent with criteria and procedures in WAC 173-27-215.

4481           c. A restoration and enhancement plan shall be prepared by an ecological  
4482 professional. The plan shall include a critical functional analysis that evaluates the  
4483 existing conditions and the post-project ecological and increase in functions to be  
4484 achieved by the project.

4485           d. An applicant for a shoreline habitat and natural systems enhancement  
4486 project shall demonstrate that the proposed project will provide a net ecological benefit  
4487 and increase in functions over the existing ecological and functional conditions of the  
4488 habitat project area. If this requirement is satisfied, additional mitigation or restoration  
4489 beyond the proposed habitat enhancement project itself may not be required. The  
4490 applicant may be required to comply with the post-project monitoring and reporting  
4491 conditions in K.C.C. 21A.24.130.

4492           8. Within the critical area and critical area buffer, vegetation removal is subject  
4493 to K.C.C. chapter 21A.24.

4494           9. Except for forest practices conducted under K.C.C. 21A.25.130, existing  
4495 native vegetation located outside of the critical area and critical area buffer shall be  
4496 retained to the maximum extent practical. Within the critical area and critical area buffer,  
4497 vegetation removal is subject to K.C.C. chapter 21A.24.

4498           SECTION 82. Ordinance 16985, Section 46, as amended, and K.C.C.  
4499 21A.25.210 are hereby amended to read as follows:



4500 The expansion of a dwelling unit or residential accessory structure located in the  
4501 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the following:~~  
4502 ~~A.)) shall require a shoreline variance ((~~if~~)) if the proposed expansion will result in  
4503 a total cumulative expansion of the dwelling unit and accessory structures of more than  
4504 one thousand square feet ~~((, a shoreline variance is required; and~~  
4505 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
4506 ~~the expansion is not allowed)).~~~~

4507 SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045  
4508 are hereby amended to read as follows:

4509 A. To achieve the maximum density allowances using a livestock management  
4510 component of a farm management plan, the plan must meet the following criteria:

4511 1. The plan is developed as part of a program authorized or approved by King  
4512 County. Certified Washington state Department of Ecology nutrient management plans  
4513 that are consistent with all of the criteria of this section may substitute for a livestock  
4514 management component of a farm management plan for commercial dairy farms.  
4515 Commercial dairy farms that do not have approved nutrient management plans must meet  
4516 the requirements of K.C.C 21A.30.060;

4517 2. The plan includes site-specific management measures for minimizing  
4518 nonpoint pollution from agricultural activities and for managing wetland and aquatic  
4519 areas including, but not limited to:

- 4520 a. livestock watering;
- 4521 b. grazing and pasture management;
- 4522 c. confinement area management;

4523 d. manure management; and  
4524 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,  
4525 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet meadows.

4526 3. The plan is implemented within a timeframe established in the plan and  
4527 maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4528 4. A monitoring plan may be required as part of the livestock management  
4529 component of a farm management plan to demonstrate that there is no significant impact  
4530 to water quality and ~~((salmonid fisheries))~~ fish habitat. Monitoring results shall be  
4531 available to the King County agriculture program.

4532 B. The livestock management component of a farm management plan shall, at a  
4533 minimum:

4534 1. ~~((Generally s))~~ Seek to achieve a ~~((twenty-five-foot buffer of))~~: forty-foot-  
4535 wide grazing area buffer including diverse, mature vegetation between grazing areas and  
4536 the ordinary high water mark of all type S and F aquatic areas and the wetland edge of  
4537 any category I, II<sub>2</sub> or III wetland with the exception of grazed wet meadows~~((, using~~  
4538 ~~buffer averaging where necessary to accommodate existing structures))~~; thirty-five-foot-  
4539 wide grazing area buffer including diverse, mature vegetation between grazing areas and  
4540 the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing  
4541 area buffer including diverse, mature vegetation between grazing areas and the wetland  
4542 edge of any category IV wetlands other than grazed wet meadows. The livestock  
4543 management component of a farm management plan~~((s))~~ may vary the width of the  
4544 grazing area buffer ~~((of an aquatic area or wetland))~~, and the time and duration of animal  
4545 exclusion throughout the year, according to guidelines agreed upon by King County and

4546 the King Conservation District. The guidelines may support a different grazing area  
4547 buffer width based on both the nature of the farm operation and the function and  
4548 sensitivity of the aquatic area or wetland. The plan must include best management  
4549 practices that avoid having manure accumulate in or within ten feet of type ~~((N or))~~ O  
4550 waters. ~~((Forested lands being cleared))~~ Clearing of lands for grazing ~~((areas))~~ shall  
4551 comply with the riparian area widths and critical area buffers and all applicable  
4552 regulations in K.C.C. chapter 21A.24;

4553 2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal  
4554 waste to aquatic areas and wetlands;

4555 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature vegetation  
4556 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F, and N  
4557 waters. This requirement may be waived for existing confinement areas on lots of two  
4558 and one-half acres or less in size if:

4559 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation  
4560 is achieved;

4561 b. manure within the confinement area is removed daily during the winter  
4562 season from October 15 to April 15, and stored in accordance with K.C.C.

4563 21A.30.060.D.; and

4564 c. additional best management practices, as recommended by the King  
4565 Conservation District, are implemented, and maintained; and

4566 4. Include a schedule for implementation.

4567 C. Any deviation from the manure management standards must be addressed in a  
4568 livestock management component of a farm management plan.

4569 D. A copy of the final plans shall be submitted to the department of natural  
4570 resources and parks within sixty days of completion.

4571 E. The farm management plan approved by the department of natural resources  
4572 and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040  
4573 and 20.22.080. Appeals may be filed only by the property owner or four members of the  
4574 King County agriculture commission. Any farm management plan not appealed shall  
4575 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.  
4576 9.12.035.

4577 F. Properties operating subject to an existing livestock management farm plan  
4578 developed based on the standards in effect before the effective date of this ordinance shall  
4579 be deemed to have satisfied the standards of this section.

4580 SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C.  
4581 21A.30.060 are hereby amended to read as follows:

4582 Property owners with farms containing either large livestock at densities greater  
4583 than one animal unit per two acres, or small livestock at densities greater than five  
4584 animals per acre, or both, are not required to follow a((n)) livestock management plan if  
4585 the owners adhere to the management standards in subsections A. through G. of this  
4586 section. This section applies only if farm practices do not result in violation of any  
4587 federal, state, or local water quality standards.

4588 A. To minimize livestock access to aquatic areas, property owners shall utilize  
4589 the following livestock watering options:

4590 1. The preferred option, which is a domestic water supply, stock watering pond,  
4591 roof runoff collection system, or approved pumped supply from the aquatic areas so that  
4592 livestock are not required to enter aquatic areas for their water supply.

4593 2. Livestock access to type S~~((and))~~, F, and N waters~~((, including their buffers))~~  
4594 and riparian areas shall be limited to crossing and watering points that have been  
4595 addressed by a crossing or watering point plan designed to Natural Resource  
4596 Conservation Services or King Conservation District specifications that prevent free  
4597 access along the length of the aquatic areas.

4598 a. Fencing shall be used as necessary to prevent livestock access to type S  
4599 ~~((and))~~, F, and N waters.

4600 b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of  
4601 crossings. Piers and abutments shall not be placed within the ordinary high water mark  
4602 or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of  
4603 flood waters and shall not diminish flood carrying capacity. These bridges may be placed  
4604 without a county building permit, but the permit waiver shall not constitute any  
4605 assumption of liability by the county with regard to such bridge or its placement. The  
4606 waiver of county building permit requirements does not constitute a waiver from other  
4607 required agency permits.

4608 B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall  
4609 maintain a ~~((vegetative buffer of fifty feet))~~ fifty-foot-wide grazing area buffer from the  
4610 ~~((wetland))~~ edge of a category I, II~~((or))~~, III, or IV wetland, except those wetlands  
4611 meeting the definition of grazed wet meadows, or the ordinary high water mark of a type  
4612 S~~((or))~~, F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a

4613 category IV wetland except those wetlands meeting the definition of grazed wet  
4614 meadows.

4615 2. (~~Forested~~)Lands being cleared for grazing areas shall comply with the  
4616 riparian area widths and critical area buffers and the associated regulations in K.C.C.  
4617 chapter 21A.24.

4618 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-  
4619 five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may  
4620 not be used when (~~forested~~) lands are being cleared for grazing areas.

4621 4. Fencing shall be used to establish and maintain the grazing area buffer unless  
4622 the buffer is otherwise impenetrable to livestock.

4623 5. Fencing installed in accordance with the (~~1990 Sensitive Area Ordinance~~  
4624 ~~before February 14, 1994~~) standards in effect before January 1, 2005, at setbacks other  
4625 than those specified in subsection B.~~(1. and 2.)~~ of this section shall be deemed to  
4626 constitute compliance with those requirements.

4627 6. Grazing areas within two hundred feet of a type S(~~or~~), F<sub>1</sub> or N water or  
4628 category I, II(~~or~~), III, or IV wetland shall not be plowed during the rainy season from  
4629 October 1 through April 30.

4630 7. Grazing areas may extend to the property line, provided that type S(~~or~~), F<sub>1</sub>  
4631 or N waters and category I, II(~~and~~), III, or IV wetlands that are located adjacent to the  
4632 property line are (~~buffered~~) protected in accordance with subsection B.1., 2., or 3. of  
4633 this section.

4634 C.1. In addition to the buffers in subsection B.~~((1. and 2.))~~ of this section,  
4635 confinement areas located within two hundred feet of any type S~~((☒))~~, F, or N waters or  
4636 category I, II~~((☒))~~, III, or IV wetlands with the exception of grazed wet meadows shall:

4637 a. have a twenty-foot-wide vegetative filter strip downhill from the  
4638 confinement area, consisting of heavy grasses or other ground cover with high stem  
4639 density and that may also include tree cover;

4640 b. not be located in ~~((the buffer of))~~ a riparian area adjacent to any type S~~((☒))~~,  
4641 F, or N water or any wetland buffer required by the critical areas ordinance in effect at  
4642 the time the confinement area is built, or within fifty feet of the wetland edge of any  
4643 category I, II~~((☒))~~, III, or IV wetland or the ordinary high water mark of any type S~~((☒))~~,  
4644 F, or N water. Fencing shall be used to establish and maintain the buffer except where  
4645 existing natural vegetation is sufficient to exclude livestock from the buffer~~((Existing~~  
4646 ~~confinement areas that do not meet these requirements shall be modified as necessary to~~  
4647 ~~provide the buffers specified in this section within five years of January 1, 2005, though~~  
4648 ~~the footprint of existing buildings need not be so modified))~~); and

4649 c. have roof drains of any buildings in the confinement area diverted away  
4650 from the confinement area.

4651 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and  
4652 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~  
4653 subsection C. of this section.

4654 D.1. Manure storage areas shall be managed as follows:

4655 a. Surface flows and roof runoff shall be diverted away from manure storage  
4656 areas;

4657           b. All manure stockpiled within two hundred feet uphill of any the ordinary  
4658 high water mark of a type S ((~~Ø~~)), F, or N water or the edge of a category I, II((~~Ø~~)), III,  
4659 or IV wetland shall either be covered in a manner that excludes precipitation and allows  
4660 free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or  
4661 manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to  
4662 prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be  
4663 monitored quarterly for the first two years after installation, then annually unless  
4664 problems were identified in the first two years, in which case quarterly monitoring shall  
4665 continue and appropriate adjustments shall be made;

4666           c. Manure shall not be stored in any ((~~aquatic area buffer~~)) riparian area or  
4667 wetland buffer, with the exception of grazed or tilled wet meadows unless there is no  
4668 other alternative on the property. Manure shall be stored in a location that avoids having  
4669 runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer  
4670 than one hundred feet uphill from:

- 4671           (1) any wetland edge excluding grazed or tilled wet meadows;  
4672           (2) the ordinary high water mark of any aquatic area; or  
4673           (3) any ditch to which the topography would generally direct runoff from the  
4674 manure; and

4675           d. The location may be reduced to no closer than fifty feet if the manure pile is  
4676 part of an active compost system that is located on an impervious surface to prevent  
4677 contact with the soil and includes a leachate containment system.

4678           2. Manure shall be spread on fields only during the growing season, and not on  
4679 saturated or frozen fields.



4680 E. For purposes of this section, "buffer maintenance" means allowing vegetation  
4681 in the grazing area buffer that provides shade for the aquatic area or acts as a filter for  
4682 storm water entering the aquatic area, other than noxious weeds, to grow to its mature  
4683 height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer  
4684 is allowed only for establishment of watering and crossing points, or for other activities  
4685 permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

4686 F. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at distances  
4687 other than those specified in these standards, and for which livestock management farm  
4688 plans have been developed based on the existing fencing locations, shall be deemed to be  
4689 in compliance with the fencing requirements of these standards ~~((Properties with or  
4690 without a livestock management component of a farm management plan that complied  
4691 with the fencing requirements in effect before January 1, 2005, shall have five years from  
4692 January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt  
4693 from fencing under ordinances in effect before January 1, 2005)),~~ provided approved  
4694 fencing is present for all type S and F aquatic areas.

4695 G. Buffer areas shall not be subject to public access, use, or dedication by reason  
4696 of the establishment of such buffers.

4697 SECTION 85. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby  
4698 amended to read as follows:

4699 A. A person who alters a critical area or buffer in violation of law shall undertake  
4700 corrective work in compliance with this chapter and K.C.C. ~~((chapter 23.08))~~ Title 23.  
4701 When feasible, corrective work shall include restoration of the critical area and buffer.  
4702 Corrective work shall be subject to all permits or approvals required for the type of work

4703 undertaken. In addition, the violator shall be subject to all fees associated with  
4704 investigation of the violation and the need for corrective work.

4705 B. When a wetland or buffer is altered in violation of this title, restoration of the  
4706 wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

4707 C. When an aquatic area or (~~buffer~~) riparian area is altered in violation of this  
4708 title, restoration of the (~~stream and buffer~~) aquatic area or riparian area shall comply  
4709 with the restoration standards in K.C.C. 21A.24.380.

4710 D. All corrective work shall be completed within the time specified in the  
4711 corrective work plan, but in no case later than one year from the date the corrective work  
4712 plan is approved by the department, unless the director authorizes a longer period. The  
4713 violator shall notify the department when restoration measures are installed and  
4714 monitoring is commenced.

4715 E. Any failure to satisfy corrective work requirements established by law or  
4716 condition including, but not limited to, the failure to provide a monitoring report within  
4717 thirty days after it is due or comply with other provisions of an approved corrective work  
4718 plan shall constitute a default, and the department may demand payment of any financial  
4719 guarantees or require other action authorized by K.C.C. Title 27A or other applicable  
4720 law.

4721 F. Reasonable access to the corrective work site shall be provided to King  
4722 County for the purpose of inspections during any monitoring period.

4723 SECTION 86. The following are hereby repealed:

4724 A. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

4725 B. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

- 4726 C. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;
- 4727 D. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;
- 4728 E. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;
- 4729 F. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and
- 4730 G. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

4731 SECTION 87.

4732 A. Attachment A to this ordinance is adopted as amendments to the 2024 King  
4733 County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance  
4734 2024-0440).

4735 B. The elements of the 2024 King County Comprehensive Plan in Attachment A  
4736 to this ordinance are hereby amended to read as set forth in this ordinance and are  
4737 incorporated herein by this reference.

4738 C. The elements of the King County Shoreline Master Program in sections 41,  
4739 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81,  
4740 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and  
4741 are incorporated herein by this reference.

4742 SECTION 88. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.  
4743 20.12.010 are hereby amended to read as follows:

4744 Under the King County Charter, the state Constitution, and the Growth  
4745 Management Act, chapter 36.70A RCW, King County adopted the 1994 King County  
4746 Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan  
4747 for King County until amended, repealed, or superseded. The Comprehensive Plan has  
4748 been reviewed and amended multiple times since its adoption in 1994. Amendments to

4749 the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County  
4750 Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2023-  
4751 0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal  
4752 planning document for the orderly physical development of the county and shall be used  
4753 to guide subarea plans, functional plans, provision of public facilities and services,  
4754 review of proposed incorporations and annexations, development regulations, and land  
4755 development decisions.

4756 SECTION 89. The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59,  
4757 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this  
4758 ordinance to the state Department of Ecology for its approval, as provided in RCW  
4759 90.58.090.

4760 SECTION 90. Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71,  
4761 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the  
4762 shoreline jurisdiction fourteen days after the state Department of Ecology provides  
4763 written notice of final action stating that the proposal is approved, in accordance with  
4764 RCW 90.58.090. The executive shall provide the written notice of final action to the  
4765 clerk of the council.

4766 SECTION 91. Severability. If any provision of this ordinance or its application  
4767 to any person or circumstance is held invalid, the remainder of the ordinance or the  
4768 application of the provision to other persons or circumstances is not affected.