



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 3, 2010

Ordinance 16985

Proposed No. 2009-0609.3

Sponsors Hague and Phillips

1 AN ORDINANCE relating to adopting the shoreline master
2 program, amending Ordinance 263, Article 2, Section 1, as
3 amended, and K.C.C. 20.12.010, Ordinance 3692, Section
4 2, and K.C.C. 20.12.200, Ordinance 13147, Section 19, as
5 amended, and K.C.C. 20.18.030, Ordinance 13147, Section
6 20, as amended, and K.C.C. 20.18.040, Ordinance 13147,
7 Section 21, as amended, and K.C.C. 20.18.050, Ordinance
8 3688, Section 813, and K.C.C. 25.32.130, Ordinance
9 13687, Section 3, and K.C.C. 25.32.140, Ordinance 13687,
10 Section 4, and K.C.C. 25.32.150, Ordinance 13687, Section
11 7, and K.C.C. 25.32.180, Ordinance 3688 Ch. 2 (part), as
12 amended, and K.C.C. 25.08.010, Ordinance 3688, Section
13 104, and K.C.C. 25.04.040, Ordinance 3688, Section 215,
14 and K.C.C. 25.08.160, Ordinance 3688, Section 105, as
15 amended, and K.C.C. 25.04.050, Ordinance 3688, Section
16 303, and K.C.C. 25.12.030, Ordinance 3688, Section 302,
17 and K.C.C. 25.12.020, Ordinance 3688, Section 305, and
18 K.C.C. 25.12.050, Ordinance 3688, Section 506, as
19 amended, and K.C.C. 25.20.060, Ordinance 3688, Section

20 415, and K.C.C. 25.16.200, Ordinance 3688, Section 413,
21 as amended, and K.C.C. 25.16.180, Ordinance 3688,
22 Section 409(4), as amended, and K.C.C. 25.16.120,
23 Ordinance 3688, Section 414, as amended, and K.C.C.
24 25.16.190, Ordinance 3688, Section 410, as amended, and
25 K.C.C. 25.16.150, Ordinance 3688, Section 411, and
26 K.C.C. 25.16.160, Ordinance 3688, Section 408, and
27 K.C.C. 25.16.080, Ordinance 3688, Section 801, and
28 K.C.C. 25.32.010, Ordinance 3688, Section 802, and
29 K.C.C. 25.32.020, Ordinance 3688 Section 806, and K.C.C.
30 25.32.060, Ordinance 3688, Section 810, and K.C.C.
31 25.32.100, Ordinance 3688, Section 208, and K.C.C.
32 25.08.090, Ordinance 3688, Section 209, and K.C.C.
33 25.08.100, Ordinance 5734, Section 1, and K.C.C.
34 25.08.175, Ordinance 3688, Section 218, and K.C.C.
35 25.08.190, Ordinance 3688, Section 220, and K.C.C.
36 25.08.210, Ordinance 3688, Section 222, and K.C.C.
37 25.08.230, Ordinance 3688, Section 224, and K.C.C.
38 25.08.250, Ordinance 3688, Section 228, and K.C.C.
39 25.08.290, Ordinance 3688, Section 234, and K.C.C.
40 25.08.370, Ordinance 3688, Section 201, and K.C.C.
41 25.08.020, Ordinance 3688, Section 237, and K.C.C.
42 25.08.400, Ordinance 3688, Section 247, and K.C.C.

43 25.08.460, Ordinance 3688, Section 251, and K.C.C.
44 25.08.480, Ordinance 3688, Section 248, and K.C.C.
45 25.08.470, Ordinance 3688, Section 246, and K.C.C.
46 25.08.490, Ordinance 3688, Section 249, and K.C.C.
47 25.08.510, Ordinance 3688, Section 255, and K.C.C.
48 25.08.570, Ordinance 3688, Section 257, and K.C.C.
49 25.08.590, Ordinance 3688, Section 258, and K.C.C.
50 25.08.600, Ordinance 13130, Section 3, as amended, and
51 K.C.C. 21A.32.045, Ordinance 3688, Section 804, as
52 amended, and K.C.C. 25.32.040, Ordinance 3688, Section
53 805, and K.C.C. 25.32.050, Ordinance 10870, Section 631,
54 and K.C.C. 21A.50.030, Ordinance 15051, Section 137,
55 and K.C.C. 21A.24.045, Ordinance 15051, Section 139,
56 and K.C.C. 21A.24.055 and Ordinance 10870, Section 454,
57 as amended, and K.C.C. 21A.24.070, creating a new
58 chapter in K.C.C. Title 21A, adding new sections to
59 K.C.C. Title 21A, decodifying Ordinance 11622, Section 1,
60 and K.C.C. 7.02.010, Ordinance 11622, Section 1, and
61 K.C.C. 23.02.020 and repealing Ordinance 3688, Section
62 102, and K.C.C. 25.04.020, Ordinance 11622, Section 1,
63 and K.C.C. 25.04.025, Ordinance 3688, Section 106, and
64 K.C.C. 25.04.060, Ordinance 12196, Section 58, as
65 amended, and K.C.C. 25.08.015, Ordinance 3699, Section

66 203, and K.C.C. 25.08.040, Ordinance 3688, Section 204,
67 and K.C.C. 25.08.050, Ordinance 3688, Section 205, and
68 K.C.C. 25.08.060, Ordinance 3688, Section 206, and
69 K.C.C. 25.08.070, Ordinance 3688, Section 207, and
70 K.C.C. 25.08.080, Ordinance 3688, Section 210, and
71 K.C.C. 25.08.110, Ordinance 3688, Section 211, and
72 K.C.C. 25.08.120, Ordinance 3688, Section 212, and
73 K.C.C. 25.08.130, Ordinance 3688, Section 213, and
74 K.C.C. 25.08.140, Ordinance 13687, Section 1, as
75 amended, and K.C.C. 25.08.150, Ordinance 3688, Section
76 216, and K.C.C. 25.08.170, Ordinance 3688, Section 217,
77 and K.C.C. 25.08.180, Ordinance 5734, Section 1, and
78 K.C.C. 25.08.185, Ordinance 3688, Section 221, and
79 K.C.C. 25.08.220, Ordinance 3688, Section 223, and
80 K.C.C. 25.08.240, Ordinance 3688, Section 225, and
81 K.C.C. 25.08.260, Ordinance 3688, Section 227, and
82 K.C.C. 25.08.280, Ordinance 5734, Section 1, and K.C.C.
83 25.08.285, Ordinance 4222, Section 2, and K.C.C.
84 25.08.300, Ordinance 3688, Section 229, and K.C.C.
85 25.08.310, Ordinance 3688, Section 230, and K.C.C.
86 25.08.320, Ordinance 3688, Section 231, and K.C.C.
87 25.08.330, Ordinance 3688, Section 232, and K.C.C.
88 25.08.340, Ordinance 3688, Section 235, and K.C.C.

89 25.08.360, Ordinance 3688, Section 236, and K.C.C.
90 25.08.380, Ordinance 3688, Section 238, and K.C.C.
91 25.08.390, Ordinance 3688, Section 239, and K.C.C.
92 25.08.410, Ordinance 3688, Section 240, and K.C.C.
93 25.08.420, Ordinance 3688, Section 241, and K.C.C.
94 25.08.430, Ordinance 3688, Section 243, and K.C.C.
95 25.08.450, Ordinance 3688, Section 252, and K.C.C.
96 25.08.500, Ordinance 3688, Section 244, and K.C.C.
97 25.08.530, Ordinance 3688, Section 245, and K.C.C.
98 25.08.540, Ordinance 3688, Section 253, and K.C.C.
99 25.08.550, Ordinance 3688, Section 254, and K.C.C.
100 25.08.560, Ordinance 5734, Section 1, and K.C.C.
101 25.08.565, Ordinance 3688, Section 256, and K.C.C.
102 25.08.580, Ordinance 12750, Section 1, and K.C.C.
103 25.08.604, Ordinance 3688, Section 259, and K.C.C.
104 25.08.610, Ordinance 3688, Section 304, and K.C.C.
105 25.12.040, Ordinance 3688, Section 401, and K.C.C.
106 25.16.010, Ordinance 3688, Section 402, and K.C.C.
107 25.16.020, Ordinance 3688, Section 403, as amended, and
108 K.C.C. 25.16.030, Ordinance 3688, Section 404, and
109 K.C.C. 25.16.040, Ordinance 3688, Section 405, and
110 K.C.C. 25.16.050, Ordinance 3688, Section 406, and
111 K.C.C. 25.16.060, Ordinance 3688, Section 407, and

112 K.C.C. 25.16.070, Ordinance 3688, Section 409(1), as
113 amended, and K.C.C. 25.16.090, Ordinance 3688, Section
114 409(2), as amended, and K.C.C. 25.16.100, Ordinance
115 3688, Section 409(3), and K.C.C. 25.16.110, Ordinance
116 3688, Section 409(5), and K.C.C. 25.16.130, Ordinance
117 3688, Section 409(6), as amended, and K.C.C. 25.16.140,
118 Ordinance 3688, Section 412, and K.C.C. 25.16.170,
119 Ordinance 3688, Section 501, and K.C.C. 25.20.010,
120 Ordinance 3688, Section 502, and K.C.C. 25.20.020,
121 Ordinance 3688, Section 503, as amended, and K.C.C.
122 25.20.030, Ordinance 3688, Section 504, and K.C.C.
123 25.20.040, Ordinance 3688, Section 505, and K.C.C.
124 25.20.050, Ordinance 3688, Section 507, and K.C.C.
125 25.20.070, Ordinance 3688, Section 508, and K.C.C.
126 25.20.080, Ordinance 3688, Section 509, as amended, and
127 K.C.C. 25.20.090, Ordinance 3688, Section 510, as
128 amended, and K.C.C. 25.20.100, Ordinance 3688, Section
129 511, and K.C.C. 25.20.110, Ordinance 3688, Section 512,
130 and K.C.C. 25.20.120, Ordinance 3688, Section 513, and
131 K.C.C. 25.20.130, Ordinance 3688, Section 514, as
132 amended, and K.C.C. 25.20.140, Ordinance 3688, Section
133 515, and K.C.C. 25.20.150, Ordinance 3688, Section 601,
134 and K.C.C. 25.24.010, Ordinance 3688, Section 602, and

135 K.C.C. 25.24.020, Ordinance 3688, Section 603, as
136 amended, and K.C.C. 25.24.030, Ordinance 3688, Section
137 604, and K.C.C. 25.24.040, Ordinance 3688, Section 605,
138 and K.C.C. 25.24.050, Ordinance 3688, Section 606, and
139 K.C.C. 25.24.060, Ordinance 3688, Section 607, and
140 K.C.C. 25.24.070, Ordinance 3688, Section 608, as
141 amended, and K.C.C. 25.24.080, Ordinance 3688, Section
142 609, as amended, and K.C.C. 25.24.090, Ordinance 3688,
143 Section 610, as amended, and K.C.C. 25.24.100, Ordinance
144 3688, Section 611, and K.C.C. 25.24.110, Ordinance 3688,
145 Section 612, and K.C.C. 25.24.120, Ordinance 3688,
146 Section 613, as amended, and K.C.C. 25.24.130, Ordinance
147 3688, Section 614, as amended, and K.C.C. 25.24.140,
148 Ordinance 3688, Section 615, and K.C.C. 25.24.150,
149 Ordinance 3688, Section 701, and K.C.C. 25.28.010,
150 Ordinance 3688, Section 702, and K.C.C. 25.28.020,
151 Ordinance 3688, Section 703, as amended, and K.C.C.
152 25.28.030, Ordinance 3688, Section 704, and K.C.C.
153 25.28.040, Ordinance 3688, Section 703, as amended, and
154 K.C.C. 25.28.050, Ordinance 3688, Section 706, and
155 K.C.C. 25.28.060, Ordinance 3688, Section 707, and
156 K.C.C. 25.28.070, Ordinance 3688, Section 708, as
157 amended, and K.C.C. 25.28.080, Ordinance 3688, Section

158 709, as amended, and K.C.C. 25.28.090, Ordinance 3688,
159 Section 710, as amended, and K.C.C. 25.28.100, Ordinance
160 3688, Section 711, and K.C.C. 25.28.110, Ordinance 3688,
161 Section 712, and K.C.C. 25.28.120, Ordinance 3688,
162 Section 713, and K.C.C. 25.28.130, Ordinance 3688,
163 Section 714, as amended, and K.C.C. 25.28.140, Ordinance
164 3688, Section 715, and K.C.C. 25.28.150, Ordinance 3688,
165 Section 808, as amended, and K.C.C. 25.32.080, Ordinance
166 3688, Section 809, as amended, and K.C.C. 25.32.090,
167 Ordinance 3688, Section 811, and K.C.C. 25.32.110,
168 Ordinance 3688, Section 812, and K.C.C. 25.32.120,
169 Ordinance 13687, Section 5, and K.C.C. 25.32.160, and
170 Ordinance 13687, Section 6, and K.C.C. 25.32.170.

171 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

172 **SECTION 1. Findings.** For the purposes of effective land use planning and
173 regulation, the King County council makes the following legislative findings:

174 A. King County has adopted the 2008 King County Comprehensive Plan to meet
175 the requirements of the Washington State Growth Management Act ("GMA");

176 B. The King County Code authorizes a review of the Comprehensive Plan and
177 generally only allows substantive amendments to the Comprehensive Plan once every
178 four years. The King County Code authorizes an adoption or amendment of the King
179 County Shoreline Master Program outside of the four year update cycle.

180 C. The GMA requires that the Comprehensive Plan and development regulations
181 be subject to continuing review and evaluation by the county;

182 D. The King County Shoreline Master Program was originally adopted by the
183 King County Council in 1977 and has not been significantly updated since. In the
184 intervening years, King County has seen significant population growth and development
185 that has affected King County's shorelines. In 2003, the Washington state Department of
186 Ecology amended its guidelines governing the contents of Shoreline Master Programs. In
187 2003, the Washington state Legislature amended the Shoreline Management Act to
188 require King County to update its Shoreline Master Program by December 1, 2009.
189 Beginning in January 2007, King County conducted extensive public outreach as part of
190 the process to update the Shoreline Master Program and collected relevant technical
191 information and analysis to support the update. King County's Shoreline Master Program
192 is consistent with the Shoreline Management Act and Department of Ecology guidelines.

193 E. The GMA requires that King County adopt development regulations to be
194 consistent with and implement the Comprehensive Plan;

195 F. The changes to zoning in this ordinance are needed to maintain conformity
196 with the King County Comprehensive Plan, as required by the GMA, or to address new
197 issues identified since the zoning code was adopted. As such, they bear a substantial
198 relationship to, and are necessary for, the public health, safety and general welfare of
199 King County and its residents; and

200 G. In accordance with K.C.C. 20.18.030, in 2012, the Comprehensive Plan will
201 be subject to a substantive review to ensure continued compliance with the GMA. This
202 will be first opportunity to comprehensively examine the implementation of land use and

203 shoreline management polices and development regulations, and in a coordinated fashion,
204 to evaluate and address situations in which a parcel or parcels present multiple important
205 and potentially competing GMA and Shoreline Management Act values or goals. Such
206 situations may be presented by parcels that are zoned for intense land use, but also have
207 an ecologically valuable shoreline. As part of the 2012 Comprehensive Plan update, the
208 county will study those specific parcels in order to determine if there are actual conflicts
209 between a parcel's zoning and shoreline designation and make modifications as
210 appropriate.

211 SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
212 20.12.010, are each hereby amended to read as follows:

213 A. Under the King County Charter, the state Constitution and the Washington
214 state Growth Management Act, chapter 36.70A RCW, the 1994 King County
215 Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King
216 County until amended, repealed or superseded. King County performed its first
217 comprehensive four-cycle review of the Comprehensive Plan. As a result of the review,
218 King County amended the 1994 Comprehensive Plan through passage of the King
219 County Comprehensive Plan 2000. King County performed its second comprehensive
220 four-cycle review of the Comprehensive Plan in 2004. As a result of the review, King
221 County amended the 2000 Comprehensive Plan through passage of the King County
222 Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning
223 document for the orderly physical development of the county and shall be used to guide
224 subarea plans, functional plans, provision of public facilities and services, review of

225 proposed incorporations and annexations, development regulations and land development
226 decisions.

227 B. The amendments to the 1994 King County Comprehensive Plan contained in
228 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments)
229 are hereby adopted.

230 C. The amendments to the 1994 King County Comprehensive Plan contained in
231 Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget
232 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury
233 Island, et. al. v. King County, Case No. 95-3-0008.

234 D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is
235 adopted as a subarea plan of the King County Comprehensive Plan and, as such,
236 constitutes official county policy for the geographic area of unincorporated King County
237 defined in the plan and amends the 1994 King County Comprehensive Plan Land Use
238 Map.

239 E. The amendments to the 1994 King County Comprehensive Plan contained in
240 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the
241 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et
242 al, v. King County, Case No. 96-3-0013 as amendments to the King County
243 Comprehensive Plan.

244 F. The amendments to the 1994 King County Comprehensive Plan contained in
245 Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments)
246 are hereby adopted as amendments to the King County Comprehensive Plan.

247 G. The Black Diamond Urban Growth Area contained in Appendix A to
248 Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive
249 Plan.

250 H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land
251 Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as
252 Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall
253 be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on
254 the area affected by Ordinance 12535.

255 I. The amendments to the 1994 King County Comprehensive Plan contained in
256 Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted
257 as amendments to the King County Comprehensive Plan.

258 J. The amendments to the 1994 King County Comprehensive Plan contained in
259 Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments)
260 are hereby adopted as amendments to the King County Comprehensive Plan.

261 K. The amendments to the 1994 King County Comprehensive Plan contained in
262 the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance
263 12931 and in the supporting text, are hereby adopted as amendments to the King County
264 Comprehensive Plan.

265 L. The amendments to the 1994 King County Comprehensive Plan contained in
266 Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments)
267 are hereby adopted as amendments to the King County Comprehensive Plan.

268 M. The 1999 Transportation Needs Report contained in Attachment A to
269 Ordinance 13339 is hereby adopted as an amendment to the 1994 King County

270 Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King
271 County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby
272 adopted as amendments to the King County Comprehensive Plan.

273 N. The amendments to the 1994 King County Comprehensive Plan contained in
274 Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999
275 amendments) are hereby adopted as amendments to the King County Comprehensive
276 Plan.

277 O. The 2000 Transportation Needs Report contained in Attachment A to
278 Ordinance 13674 is hereby adopted as an amendment to the 1994 King County
279 Comprehensive Plan, Technical Appendix C.

280 P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is
281 adopted as a subarea plan of the King County Comprehensive Plan and, as such,
282 constitutes official county policy for the geographic area of unincorporated King County
283 defined in the plan. The Fall City Subarea Plan amends the 1994 King County
284 Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

285 Q. The amendments to the King County Comprehensive Plan contained in
286 Attachment A to Ordinance 13875 are hereby adopted as amendments to the King
287 County Comprehensive Plan.

288 R. The Fall City area zoning amendments contained in Attachment A to
289 Ordinance 13875 are adopted as the zoning control for those portions of unincorporated
290 King County defined in the attachment. Existing property-specific development
291 standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875
292 do not change except as specifically provided in Attachment A to Ordinance 13875.

293 S. The amendments to the 1994 King County Comprehensive Plan Land Use
294 Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with
295 the Central Puget Sound Growth Management Hearings Board Decision and Order on
296 Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-
297 0008 (Bear Creek Portion).

298 T. The 2001 transportation needs report contained in Attachment A to Ordinance
299 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,
300 technical appendix C.

301 U. The amendments to the 1994 King County Comprehensive Plan contained in
302 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000)
303 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment
304 A to Ordinance 14044 amends the policies, text and maps of the Comprehensive Plan.
305 Amendments to the policies are shown with deleted language struck out and new
306 language underlined. The text and maps in Attachment A to Ordinance 14044 replace the
307 previous text and maps in the Comprehensive Plan. Attachment B to Ordinance 14044
308 contains technical appendix A (capital facilities), which replaces technical appendix A to
309 the King County Comprehensive Plan, technical appendix C (transportation), which
310 replaces technical appendix C to the King County Comprehensive Plan, and technical
311 appendix M (public participation), which is a new technical appendix that describes the
312 public participation process for the King County Comprehensive Plan 2000. Attachment
313 C to Ordinance 14044 includes amendments to the King County Comprehensive Plan
314 Land Use Map. The land use amendments contained in Attachment C to Ordinance

315 14044 are adopted as the official land use designations for those portions of
316 unincorporated King County defined in Attachment C to Ordinance 14044.

317 V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A
318 to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan
319 and, as such, constitutes official county policy for the geographic area of unincorporated
320 King County defined in the plan. Attachment B to Ordinance 14117 amends the King
321 County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for
322 the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the
323 Comprehensive Plan.

324 W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments
325 in Attachment D to Ordinance 14117 are adopted as the zoning control for those portions
326 of unincorporated King County defined in the attachment. Existing property-specific
327 development standards (p-suffix conditions) on parcels affected by Attachment D to
328 Ordinance 14117 do not change

329 X. The amendments to the King County Comprehensive Plan 2000 contained in
330 Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County
331 Comprehensive Plan.

332 Y. The amendments to the King County Comprehensive Plan 2000 contained in
333 Attachment A to Ordinance 14185 are hereby adopted as amendments to the King
334 County Comprehensive Plan in order to comply with the order of the Central Puget
335 Sound Growth Management Hearings Board in *Green Valley et al, v. King County*,
336 CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the

337 Washington Supreme Court in *King County v. Central Puget Sound Growth Management*
338 *Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

339 Z. The amendments to the King County Comprehensive Plan 2000 contained in
340 Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001
341 Amendments) are hereby adopted as amendments to the King County Comprehensive
342 Plan.

343 AA. The amendment to the King County Comprehensive Plan 2000 contained in
344 Attachment A to Ordinance 14286 is hereby adopted as an amendment to the King
345 County Comprehensive Plan in order to comply with the Central Puget Sound Growth
346 Management Hearings Board's Final Decision and Order in *Forster Woods Homeowners'*
347 *Association and Friends and Neighbors of Forster Woods, et al. v. King County*, Case
348 No. 01-3-0008c (Forster Woods), dated November 6, 2001.

349 BB. The amendments to the King County Comprehensive Plan 2000 contained in
350 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002
351 Amendments) are hereby adopted as amendments to the King County Comprehensive
352 Plan.

353 CC. The amendments to the King County Comprehensive Plan 2000 contained in
354 Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003
355 Amendments) are hereby adopted as amendments to the King County Comprehensive
356 Plan.

357 DD. The amendments to the King County Comprehensive Plan 2000 contained in
358 Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan
359 2004) are hereby adopted as amendments to the King County Comprehensive Plan.

360 Attachment A, Part I, to Ordinance 15028 amends the policies, text and maps of the
361 Comprehensive Plan. Attachment A, Part II, to Ordinance 15028 includes amendments
362 to the King County Comprehensive Plan Land Use Map. The land use amendments
363 contained in Attachment A, Part II, to Ordinance 15028 are adopted as the official land
364 use designations for those portions of unincorporated King County defined in Attachment
365 A, Part II, to Ordinance 15028. Attachment B to Ordinance 15028 contains Technical
366 Appendix A (Capital Facilities), which replaces technical appendix A to the King County
367 Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical Appendix B
368 (Housing), which replaces Technical Appendix B to the King County Comprehensive
369 Plan. Attachment D to Ordinance 15028 contains Technical Appendix C
370 (Transportation), which replaces Technical Appendix C to the King County
371 Comprehensive Plan 2000. Attachment E to Ordinance 15028 contains Technical
372 Appendix D (Growth Targets and the Urban Growth Area 2004).

373 EE. The 2004 transportation needs report contained in Attachment A to
374 Ordinance 15077 is hereby adopted as an amendment to the 2004 King County
375 Comprehensive Plan, technical appendix C.

376 FF. The amendments to the King County Comprehensive Plan 2004 contained in
377 Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005
378 Amendments) are hereby adopted as amendments to the King County Comprehensive
379 Plan.

380 GG. Attachment A to Ordinance 15326, which is the King County
381 Comprehensive Plan Sammamish Agricultural Production District Subarea Plan dated
382 November 7, 2005, is hereby adopted as an amendment to the 2004 King County

383 Comprehensive Plan, as amended, in order to comply with the Central Puget Sound
384 Growth Management Hearings Board's Final Decision and Order in *Maxine Keesling v.*
385 *King County*, Case No. 04-3-0024 (Keesling III), dated May 31, 2005.

386 HH. The amendments to the King County Comprehensive Plan 2004 contained in
387 Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the
388 King County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to
389 the King County Comprehensive Plan 2004) amends the policies and maps of the King
390 County Comprehensive Plan. Attachment B to Ordinance 15607 contains technical
391 appendix O (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends
392 King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing
393 the transportation needs report. Attachment D to Ordinance 15607 amends King County
394 Comprehensive Plan, Technical Appendix C (Transportation), by replacing the arterial
395 functional classification map.

396 II. Attachment A to Ordinance 15772, which is the King County Comprehensive
397 Plan Juanita Firs Subarea Plan, dated February 20, 2007, is hereby adopted as an
398 amendment to the King County Comprehensive Plan as amended.

399 JJ. The amendments to the King County Comprehensive Plan 2004 contained in
400 Attachments A, B, C, D, E and F to Ordinance 16263 are hereby adopted as amendments
401 to the King County Comprehensive Plan. Attachment A to Ordinance 16263 amends the
402 policies, text and maps of the Comprehensive Plan and amends King County
403 Comprehensive Plan Land Use Zoning. The land use amendments contained in
404 Attachment B to Ordinance 16263 contain((s)) Technical Appendix A (Capital
405 Facilities), which replaces Technical Appendix A to the King County Comprehensive

406 Plan 2004. Attachment C to Ordinance 16263 contains Technical Appendix B (Housing),
407 which replaces Technical Appendix B to the King County Comprehensive Plan 2004.
408 Attachment D to Ordinance 16263 contains Technical Appendix C (Transportation),
409 which replaces Technical Appendix C to the King County Comprehensive Plan 2004.
410 Attachment E to Ordinance 16263 contains the transportation needs report, which
411 replaces the transportation needs report in Technical Appendix C to the King County
412 Comprehensive Plan 2004. Attachment F to Ordinance 16263 contains Technical
413 Appendix D (Growth Targets and the Urban Growth Area 2008).

414 KK. The amendments to the 2008 King County Comprehensive Plan, contained
415 in Attachments A, B and C to Ordinance 16949 are hereby adopted as amendments to the
416 King County Comprehensive Plan. Attachment A to Ordinance 16949 is Technical and
417 Editorial Corrections, dated March 1, 2010. Attachment B to Ordinance 16949 is the
418 King County Issaquah Highlands Area Zoning Study, dated September 13, 2010.
419 Attachments A and B to Ordinance 16949 amend policies, text and maps of the
420 Comprehensive Plan and amend King County Comprehensive Plan Land Use Zoning.
421 The land use amendments contained in Attachment B to Ordinance 16949 are adopted as
422 the official land use designations for those portions of unincorporated King County
423 defined in Attachment B to Ordinance 16949. Attachment C to Ordinance 16949 is the
424 2010 update of the Transportation Needs Report and amends the 2008 King County
425 Comprehensive Plan, Technical Appendix C.

426 LL. The amendments to the King County Comprehensive Plan 2008 contained in
427 Attachment A to this ordinance are hereby adopted as amendments to the King County
428 Comprehensive Plan. Attachment A to this ordinance amends the policies and goals of

429 the King County Shoreline Master Program, consistent with chapter 90.58 RCW and
430 chapter 173-26 WAC, and adds a new chapter 5 to the King County Comprehensive Plan.

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

433 The ~~((policies, objectives and goals of the shorelines management master~~
434 ~~program, are adopted as an addendum to the Comprehensive Plan for King County. As~~
435 ~~an addendum to the comprehensive plan, such policy statement)) King County shoreline
436 master program consists of the following elements:~~

437 A. The King County shoreline management goals and policies in chapter 5 of the
438 King County Comprehensive Plan. The shoreline management goals and policies
439 constitute((s)) the official policy of King County regarding areas of the county subject to
440 shoreline management jurisdiction under RCW chapter 90.58; and

441 B. The King County Code sections identified in section 4 of this ordinance.

442 NEW SECTION. SECTION 4. There is hereby added a new section to K.C.C.
443 chapter 20.12 to read as follows:

444 The following King County Code sections in effect as of the effective date of this
445 ordinance are adopted as land use and development regulations within the shoreline
446 jurisdiction:

447 A. The following sections within K.C.C. Title 20:

448 1. K.C.C. 20.18.040;

449 2. K.C.C. 20.18.050;

450 3. K.C.C. 25.32.130, as recodified by this ordinance;

451 4. K.C.C. 25.32.140, as recodified by this ordinance;

- 452 5. K.C.C. 25.32.150, as recodified by this ordinance; and
- 453 6. K.C.C. 25.32.180, as recodified by this ordinance.
- 454 B. The following sections within K.C.C. Title 21A:
- 455 1. K.C.C. 21A.06.358;
- 456 2. K.C.C. 25.08.090, as recodified by this ordinance;
- 457 3. K.C.C. 25.08.100, as recodified by this ordinance;
- 458 4. K.C.C. 25.08.175, as recodified by this ordinance;
- 459 5. K.C.C. 25.08.190, as recodified by this ordinance;
- 460 6. K.C.C. 25.08.210, as recodified by this ordinance;
- 461 7. K.C.C. 25.08.230, as recodified by this ordinance;
- 462 8. K.C.C. 25.08.250, as recodified by this ordinance;
- 463 9. K.C.C. 25.08.290, as recodified by this ordinance;
- 464 10. K.C.C. 25.08.090, as recodified by this ordinance
- 465 11. Section 81 of this ordinance;
- 466 12. Section 82 of this ordinance;
- 467 13. K.C.C. 25.08.370, as recodified by this ordinance;
- 468 14. K.C.C. 25.08.020, as recodified by this ordinance;
- 469 15. K.C.C. 25.08.400, as recodified by this ordinance;
- 470 16. Section 89 of this ordinance;
- 471 17. K.C.C. 25.08.460, as recodified by this ordinance;
- 472 18. Section 92 of this ordinance;
- 473 19. K.C.C. 25.08.480, as recodified by this ordinance;
- 474 20. K.C.C. 25.08.470, as recodified by this ordinance;

- 475 21. K.C.C. 25.08.490, as recodified by this ordinance;
- 476 22. K.C.C. 25.08.510, as recodified by this ordinance;
- 477 23. K.C.C. 25.08.570, as recodified by this ordinance;
- 478 24. K.C.C. 25.08.590, as recodified by this ordinance;
- 479 25. Section 105 of this ordinance;
- 480 26. Section 106 of this ordinance;
- 481 27. K.C.C. 25.08.600, as recodified by this ordinance;
- 482 28. K.C.C. 21A.24.045;
- 483 29. K.C.C. 21A.24.051;
- 484 30. K.C.C. 21A.24.055;
- 485 31. K.C.C. 21A.24.070A., D. and E.;
- 486 32. K.C.C. 21A.24.125;
- 487 33. K.C.C. 21A.24.130;
- 488 34. K.C.C. 21A.24.133;
- 489 35. K.C.C. 21A.24.200;
- 490 36. K.C.C. 21A.24.210;
- 491 37. K.C.C. 21A.24.220;
- 492 38. K.C.C. 21A.24.240;
- 493 39. K.C.C. 21A.24.250;
- 494 40. K.C.C. 21A.24.260;
- 495 41. K.C.C. 21A.24.275;
- 496 42. K.C.C. 21A.24.280;
- 497 43. K.C.C. 21A.24.290;

- 498 44. K.C.C. 21A.24.300;
499 45. K.C.C. 21A.24.310;
500 46. K.C.C. 21A.24.316;
501 47. K.C.C. 21A.24.325;
502 48. K.C.C. 21A.24.335;
503 49. K.C.C. 21A.24.340;
504 50. K.C.C. 21A.24.358;
505 51. K.C.C. 21A.24.365;
506 52. K.C.C. 21A.24.380;
507 53. K.C.C. 21A.24.382;
508 54. K.C.C. 21A.24.386;
509 55. K.C.C. 21A.24.388;
510 56. K.C.C. 21A.32.045;
511 57. K.C.C. 21A.50.030;
512 58. K.C.C. 21A.06.182;
513 59. K.C.C. 21A.06.825; and
514 60. K.C.C. chapter 21A.___ (the new chapter created by section 16 of this
515 ordinance).

516 C. Amendments to the land use and development regulations included in
517 subsections A. and B. of this section must be approved by the Washington state
518 Department of Ecology before they become land use and development regulations within
519 the shoreline jurisdiction.

520 SECTION 5. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030
521 are each hereby amended to read as follows:

522 A. The King County Comprehensive Plan shall be amended (~~((pursuant to))~~) in
523 accordance with this chapter, which, in compliance with RCW 36.70A.130(2),
524 establishes a public participation program whereby amendments are considered by the
525 council no more frequently than once a year as part of the amendment cycle established
526 in this chapter, except that the council may consider amendments more frequently to
527 address:

- 528 1. Emergencies;
- 529 2. An appeal of the plan filed with the Central Puget Sound Growth
530 Management Hearings Board or with the court;
- 531 3. The initial adoption of a subarea plan, which may amend the urban growth
532 area boundary only to redesignate land within a joint planning area; or
- 533 4. (~~((The adoption or amendment of a shoreline master program under chapter~~
534 ~~90.58 RCW; or~~
- 535 5.)) An amendment of the capital facilities element of the Comprehensive Plan
536 that occurs in conjunction with the adoption of the county budget.

537 B. Every year the Comprehensive Plan may be amended to address technical
538 updates and corrections and to consider amendments that do not require substantive
539 changes to policy language or changes to the urban growth area boundary, except as
540 permitted in subsection B.5., 10. and 12. of this section. This review may be referred to
541 as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended
542 in the annual cycle only to consider the following:

- 543 1. Technical amendments to policy, text, ((~~o~~)) maps or shoreline designations;
- 544 2. The annual capital improvement plan;
- 545 3. The transportation needs report;
- 546 4. School capital facility plans;
- 547 5. Changes required to implement an amendment to a joint
- 548 interlocal/development agreement in existence on January 1, 2008, between King
- 549 County, another local government and one or more private parties, only if the amendment
- 550 to the joint interlocal/development agreement includes a provision to alter the urban
- 551 growth area boundary to add areas to the urban growth area, requires that an area four
- 552 times the area that is added to the urban growth area be permanently designated as park
- 553 or open space and requires the transfer of development rights on terms as provided in the
- 554 amendment;
- 555 6. Changes required by existing Comprehensive Plan policies;
- 556 7. Changes to the technical appendices and any amendments required thereby;
- 557 8. Comprehensive updates of subarea plans initiated by motion;
- 558 9. Changes required by amendments to the countywide planning policies or
- 559 state law;
- 560 10. Redesignation proposals under the four_to_one program as provided for in
- 561 this chapter;
- 562 11. Amendments necessary for the conservation of threatened and endangered
- 563 species; and

564 12. Site-specific comprehensive land use map amendments that do not require
565 substantive change to comprehensive plan policy language and that do not alter the urban
566 growth area boundary, except to correct mapping errors.

567 C. Every fourth year beginning in 2000, the county shall complete a
568 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
569 to ensure continued compliance with the GMA. This review may provide for a
570 cumulative analysis of the twenty-year plan based upon official population growth
571 forecasts, benchmarks and other relevant data in order to consider substantive changes to
572 policy language and changes to the urban growth area (UGA). This comprehensive
573 review shall begin one year in advance of the transmittal and may be referred to as the
574 four-year cycle. The urban growth area boundaries shall be reviewed in the context of
575 the four-year cycle and in accordance with countywide planning policy FW-1 and RCW
576 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are
577 not being achieved as evidenced by official population growth forecasts, benchmarks,
578 trends and other relevant data, substantive changes to the Comprehensive Plan may also
579 be considered on even calendar years. This determination shall be authorized by motion.
580 The motion shall specify the scope of the even-year amendment, and identify that the
581 resources necessary to accomplish the work are available. An analysis of the motion's
582 fiscal impact shall be provided to the council before to adoption. The executive shall
583 determine if additional funds are necessary to complete the even-year amendment, and
584 may transmit an ordinance requesting the appropriation of supplemental funds.

585 D. The executive shall seek public comment on the comprehensive plan and any
586 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.

587 20.18.160 before making a recommendation, in addition to conducting the public review
588 and comment procedures required by SEPA. The public, including unincorporated area
589 councils, shall be afforded at least one official opportunity to record public comment
590 before to the transmittal of a recommendation by the executive to the council. County-
591 sponsored councils and commissions may submit written position statements that shall be
592 considered by the executive before transmittal and by the council before adoption, if they
593 are received in a timely manner. The executive's recommendations for changes to
594 policies, text((s)) and maps shall include the elements listed in comprehensive plan policy
595 RP-307 and analysis of their financial costs and public benefits, any of which may be
596 included in environmental review documents. Proposed amendments to the
597 comprehensive plan shall be accompanied by any development regulations or
598 amendments to development regulations, including area zoning, necessary to implement
599 the proposed amendments.

600 SECTION 6. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040
601 are each hereby amended to read as follows:

602 A. Site-specific land use map or shoreline master program map amendments may
603 be considered annually or during the four year review cycle, depending on the degree of
604 change proposed.

605 B. The following categories of site-specific land use map or shoreline master
606 program map amendments may be initiated by either the county or a property owner for
607 consideration in the annual review cycle:

608 1. Amendments that do not require substantive change to comprehensive plan
609 policy language and that do not alter the urban growth area boundary, except to correct
610 mapping errors; and

611 2. Four-to-one-proposals.

612 C. The following categories of site-specific land use map and shoreline master
613 program map amendments may be initiated by either the county or a property owner for
614 consideration in four-year review cycle:

615 1. ((a))A Amendments that could be considered in the annual review cycle;

616 2. ((a))A Amendments that require substantive change to comprehensive plan
617 policy language; and

618 3. ((a))A Amendments to the urban growth area boundary.

619 SECTION 7. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050
620 are each hereby amended to read as follows:

621 A. Site-specific land use map and shoreline master program map amendments are
622 legislative actions that may only be initiated by property owner application, by council
623 motion((;)) or by executive proposal. All site-specific land use map and shoreline master
624 program map amendments must be evaluated by the hearing examiner before adoption by
625 the council in accordance with this chapter.

626 1. If initiated by council motion, the motion shall refer the proposed site-
627 specific land use map or shoreline master program map amendment to the department of
628 development and environmental services for preparation of a recommendation to the
629 hearing examiner. The motion shall also identify the resources and the work program
630 required to provide the same level of review accorded to applicant-generated

631 amendments. An analysis of the motion's fiscal impact shall be provided to the council
632 before adoption. If the executive determines that additional funds are necessary to
633 complete the work program, the executive may transmit an ordinance requesting the
634 appropriation of supplemental funds((-));

635 2. If initiated by executive proposal, the proposal shall refer the proposed site-
636 specific land use map or shoreline master program map amendment to the department of
637 development and environmental services for preparation of a recommendation to the
638 hearing examiner((-)); and

639 3. If initiated by property owner application, the property owner shall submit a
640 docketed request for a site-specific land use map or shoreline master program map
641 amendment. Upon receipt of a docketed request for a site-specific land use map or
642 shoreline master program map amendment, the request shall be referred to the department
643 of development and environmental services for preparation of a recommendation to the
644 hearing examiner.

645 B. All proposed site-specific land use map or shoreline master program map
646 amendments, whether initiated by property owner application, by council motion((-)) or
647 by executive proposal shall include the following:

- 648 1. Name and address of the owner(~~((s))~~) or owners of record;
- 649 2. Description of the proposed amendment;
- 650 3. Property description, including parcel number, property street address and
651 nearest cross street;
- 652 4. County assessor's map outlining the subject property; and
- 653 5. Related or previous permit activity.

654 C. Upon initiation of a site specific land use map or shoreline master program
655 map amendment, an initial review conference will be scheduled by the department of
656 development and environmental services. The owner or owners of record of the property
657 shall be notified of and invited to attend the initial review conference. At the initial
658 review conference, the department will review the proposed amendment's consistency
659 with applicable county policies or regulatory enactments including specific reference to
660 comprehensive plan policies, countywide planning policies and state Growth
661 Management Act requirements. The proposed amendment will be classified ((~~pursuant~~
662 ~~to~~) in accordance with K.C.C. 20.18.040 and this information either will be provided at
663 the initial review conference or in writing to the owner or owners of record within thirty
664 days after the initial review conference.

665 D. If a proposed site-specific land use map or shoreline master program map
666 amendment is initiated by property owner application, the property owner shall,
667 following the initial review conference, submit the completed application including an
668 application fee and an environmental checklist to the department of development and
669 environmental services to proceed with review of the proposed amendment.

670 E. If a proposed site-specific land use map or shoreline master program map
671 amendment is initiated by council motion, following the initial review conference, the
672 council shall submit an environmental checklist to the department of development and
673 environmental services to proceed with review of the proposed amendment.

674 F. If a proposed site-specific land use map or shoreline master program map
675 amendment is initiated by executive proposal, following the initial review conference, the

676 executive shall submit an environmental checklist to the department of development and
677 environmental services to proceed with review of the proposed amendment.

678 G. Following the submittal of the information required by subsections D₂, E₂ or
679 F₂, the department of development and environmental services shall submit a report
680 including an executive recommendation on the proposed amendment to the hearing
681 examiner within one hundred twenty days. The department of development and
682 environmental services shall provide notice of a public hearing and notice of threshold
683 determination (~~((pursuant to))~~ in accordance with K.C.C. 20.20.060 F₂, G₂ and H. The
684 hearing will be conducted by the hearing examiner (~~((pursuant to))~~ in accordance with
685 K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a
686 report and recommendation on the proposed amendment (~~((pursuant to))~~ in accordance
687 with K.C.C. 20.24.400. A compilation of all completed reports will be considered by the
688 council (~~((pursuant to))~~ in accordance with K.C.C. 20.18.070.

689 H. A property-owner-initiated for a site-specific land use map or shoreline master
690 program map amendment may be accompanied by an application for a zone
691 reclassification to implement the proposed amendment, in which case administrative
692 review of the two applications shall be consolidated to the extent practical consistent with
693 this ordinance and K.C.C. chapter 20.20. The council's consideration of a site-specific
694 land use map or shoreline master program map amendment is a legislative decision which
695 will be determined before and separate from their consideration of a zone reclassification
696 which is a quasi-judicial decision. If a zone reclassification is not proposed in
697 conjunction with an application for a site-specific land use map or shoreline master
698 program map amendment and the amendment is adopted, the property shall be given

699 potential zoning. A zone reclassification (~~(pursuant to)~~) in accordance with K.C.C.
700 20.20.020 will be required in order to implement the potential zoning.

701 I. Site-specific land use map or shoreline master program map amendments for
702 which a completed recommendation by the hearing examiner has been submitted to the
703 council by January 15 will be considered concurrently with the annual amendment to the
704 comprehensive plan. Site specific land use map or shoreline master program map
705 amendments for which a recommendation has not been issued by the hearing examiner
706 by January 15 will be included in the next appropriate review cycle following issuance of
707 the examiner's recommendation.

708 J.1. No amendment to a land use designation or shoreline environment
709 designation for a property may be initiated unless at least three years have elapsed since
710 council adoption or review of the current designation for the property. This time limit
711 may be waived by the executive or the council if the proponent establishes that there
712 exists either an obvious technical error or a change in circumstances justifying the need
713 for the amendment.

714 ~~((1-))~~ 2. A waiver by the executive shall be considered after the proponent has
715 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
716 render a waiver decision within forty-five days of receiving a docket request and shall
717 mail a copy of this decision to the proponent.

718 ~~((2-))~~ 3. A waiver by the council shall be considered by motion.

719 K. A shoreline master program map amendment and redesignation must meet the
720 requirements of K.C.C. 25.32.130, 25.32.140 and 25.32.150, as recodified by this
721 ordinance, and the Washington state Shoreline Master Program Guidelines, chapter 173-

722 26 WAC. A shoreline master program map amendment and redesignation must be
723 approved by the Washington state Department of Ecology.

724 SECTION 8. K.C.C. 25.32.130, as amended by this ordinance, is recodified as a
725 new section in K.C.C. chapter 20.18.

726 SECTION 9. Ordinance 3688, Section 813, as amended, and K.C.C. 25.32.130
727 are each hereby amended to read as follows:

728 A. Shoreline environments designated by the master program may be
729 ~~((redesignated by the county council upon finding that such a redesignation will be~~
730 ~~consistent with the standards in K.C.C. 25.32.180. A shoreline redesignation may be~~
731 ~~initiated by an applicant or by motion of the council)) considered for redesignation during
732 the four-year review cycle.~~

733 B. A redesignation ~~((initiated by an applicant shall be made on forms and~~
734 ~~processed in a manner prescribed in K.C.C. 25.32.140. A redesignation initiated by the~~
735 ~~council)) shall follow the process in K.C.C. ~~((25.32.150.~~~~

736 C. ~~The fee which shall accompany an application for a shoreline redesignation~~
737 ~~shall be as adopted by ordinance.~~

738 D. ~~The departmental report and recommendation regarding an application or a~~
739 ~~site specific redesignation initiated by council motion shall be forwarded to the hearing~~
740 ~~examiner for consideration together with all relevant testimony at a public hearing to be~~
741 ~~held consistent with the procedures for a zone reclassification as provided in K.C.C.~~
742 ~~chapter 20.24)) 20.18.050.~~

743 SECTION 10. K.C.C. 25.32.140, as amended by this ordinance, is recodified as a
744 new section in K.C.C. chapter 20.18.

745 SECTION 11. Ordinance 13687, Section 3, and K.C.C. 25.32.140 are each
746 hereby amended to read as follows:

747 A. A shoreline redesignation initiated by an applicant(~~(, as described in K.C.C.~~
748 ~~25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for~~
749 ~~shorelines redesignations and~~)) must include the following information in addition to the
750 requirements in K.C.C. (~~chapter 20.20~~) 20.18.050:

- 751 1. Applicant information, including signature, telephone number and address;
- 752 2. The applicant's interest in the property, such as owner, buyer or consultant;
- 753 3. Property owner concurrence, including signature, telephone number and

754 address;

- 755 4. (~~A property description, including parcel number, property street address and~~
756 ~~nearest cross street;~~

757 ~~5. A county assessor's map outlining the subject property;~~

758 ~~6. Related or previous permit activity;~~

759 ~~7. A description of the proposed shorelines redesignation;~~

760 ~~8.))~~ A mitigation plan providing for significant enhancement of the first one
761 hundred feet adjacent to the shoreline and improved habitat for species declared as
762 endangered or threatened under the Endangered Species Act, to the extent that the
763 impacts of development can be determined at the time of the proposed shoreline
764 redesignation(~~(-)~~); and

765 (~~9.))~~ 5. A discussion of how the proposed shorelines redesignation meets the
766 criteria in K.C.C. 25.32.180, as recodified by this ordinance.

767 B. The examiner shall make a recommendation to the council based on the
768 criteria for review in K.C.C. 25.32.180, as recodified by this ordinance.

769 SECTION 12. K.C.C. 25.32.150, as amended by this ordinance, is recodified as a
770 new section in K.C.C. chapter 20.18.

771 SECTION 13. Ordinance 13687, Section 4, and K.C.C. 25.32.150 are each
772 hereby amended to read as follows:

773 A. A council motion initiating a shoreline((s)) redesignation(~~(, as described in~~
774 ~~K.C.C. 25.32.130B))~~) must be accompanied by the ((~~following~~)) information required to
775 be provided in K.C.C. 25.32.140, as recodified by this ordinance, in addition to the
776 requirements in K.C.C. 20.18.050((:

777 ~~1. A description of the shoreline reach and a property description, including~~
778 ~~parcel numbers, property street addresses and nearest cross streets, for all properties that~~
779 ~~the shoreline runs through or is adjacent to;~~

780 ~~2. A county assessor's map outlining the subject property or properties; and~~

781 ~~3. A description of the proposed shorelines redesignation)).~~

782 B. ~~((If the motion proposes site specific redesignation, as "site" is defined in~~
783 ~~K.C.C. Title 21A, the redesignation shall be referred to the hearing examiner for~~
784 ~~consideration following the procedures of K.C.C. 25.32.140 for consideration of~~
785 ~~redesignation application. Any other redesignation proposal initiated by motion shall be~~
786 ~~referred to the executive for consideration as to whether the redesignation is appropriate~~
787 ~~for review as part of the annual or four year Comprehensive Plan update, or should~~
788 ~~proceed independent of the annual or four year update process, such as through a subarea~~
789 ~~planning process.~~

790 C.) A motion initiating a site-specific shoreline redesignation must identify the
791 resources and the work program required to provide the same level of review accorded to
792 an applicant-generated shoreline((s)) redesignation. Before adoption of the motion, the
793 executive shall have the opportunity to provide an analysis of the motion's fiscal impact.
794 If the executive determines that additional funds are necessary to complete the work
795 program, the executive may transmit an ordinance requesting the appropriation of
796 supplemental funds. The council may consider the supplemental appropriation ordinance
797 concurrently with the proposed motion referring the shoreline((s)) redesignation proposal
798 to the examiner.

799 ~~((D. A site specific redesignation initiated by motion shall follow the procedures
800 in K.C.C. chapters 20.20 and 20.24 for shorelines redesignations with regard to the
801 information to be provided and the notice and hearing processes, and shall meet the
802 submittal requirements of K.C.C. 25.32.140.))~~ C. The examiner shall make a
803 recommendation to the council on the proposed site-specific shoreline redesignation
804 based on the criteria for review in K.C.C. 25.32.180, as recodified by this ordinance.

805 SECTION 14. K.C.C 25.32.180, as amended by this ordinance, is recodified as a
806 new section in K.C.C. chapter 20.24.

807 SECTION 15. Ordinance 13687, Section 7, and K.C.C. 25.32.180 are each
808 hereby amended to read as follows:

809 A shoreline((s)) redesignation referred to the hearing examiner for a public
810 hearing shall be reviewed based upon the ~~((requirements of))~~ King County
811 Comprehensive Plan ~~((policies NE-308 and I-202))~~, state and county shorelines
812 management goals and objectives and the following additional standards:

- 813 A. The proposed change shall ~~implement((s))~~ and ~~support((s))~~;
- 814 1. ~~((t))~~The goals of the ~~((e))~~Comprehensive ~~((p))~~Plan~~((r))~~;
- 815 2. ~~((t))~~The goals, policies and objectives of the state Shorelines Management
- 816 Act ~~((and))~~;
- 817 3. ~~((t))~~The county's shoreline~~((s))~~ master program; and
- 818 4. ~~((t))~~The designation criteria of the proposed shoreline environment
- 819 designation ~~((requested))~~;
- 820 B. The impacts of development allowed by the proposed change ~~((will))~~ shall not
- 821 permanently impair any habitat critical to endangered or threatened species~~((r))~~;
- 822 C. The impacts of development allowed by the proposed change ~~((are))~~ shall
- 823 adequately ~~((addressed))~~ address in a mitigation plan providing significant enhancement
- 824 of the first one hundred feet adjacent to the stream and improved habitat for species
- 825 declared as endangered or threatened under the Endangered Species Act, to the extent
- 826 those impacts may be determinable at the time of the shorelines redesignation. A full
- 827 mitigation plan shall accompany each application, as provided in K.C.C. 25.32.140, as
- 828 recodified by this ordinance, and K.C.C. 25.32.150, as recodified by this ordinance; and
- 829 D. If greater intensity of development would be allowed as a result of the
- 830 shoreline~~((s))~~ redesignation, the proposal shall utilize clustering or a multi-story design to
- 831 pursue minimum densities while minimizing lot coverage adjacent to the shoreline~~((s))~~
- 832 setback area.

833 SECTION 16. There is hereby established a new chapter in K.C.C. Title 21A.

834 This new chapter shall contain section 17 of this ordinance, K.C.C. 25.08.010, as

835 recodified by this ordinance, K.C.C. 25.04.040, as recodified by this ordinance, section

836 24 of this ordinance, K.C.C. 25.04.050, as recodified by this ordinance, K.C.C.
837 25.12.030, as recodified by this ordinance, K.C.C. 25.12.020, as recodified by this
838 ordinance, K.C.C. 25.12.050, as recodified by this ordinance, section 129 of this
839 ordinance, section 30 of this ordinance, section 31 of this ordinance, section 32 of this
840 ordinance, section 33 of this ordinance, K.C.C. 25.20.060, as recodified by this
841 ordinance, section 36 of this ordinance, K.C.C. 25.16.200, as recodified by this
842 ordinance, section 39 of this ordinance, K.C.C. 25.16.180, as recodified by this
843 ordinance, K.C.C. 25.16.120, as recodified by this ordinance, K.C.C. 25.16.190, as
844 recodified by this ordinance, section 131 of this ordinance, section 46 of this ordinance,
845 section 47 of this ordinance, K.C.C. 25.16.150, as recodified by this ordinance, section 50
846 of this ordinance, section 51 of this ordinance, K.C.C. 25.16.160, as recodified by this
847 ordinance, K.C.C. 25.16.080, as recodified by this ordinance, section 56 of this
848 ordinance, K.C.C. 25.32.010, as recodified by this ordinance, K.C.C. 25.32.020, as
849 recodified by this ordinance, K.C.C. 25.32.060, as recodified by this ordinance, and
850 K.C.C. 25.32.100, as recodified by this ordinance.

851 NEW SECTION. SECTION 17. The King County shoreline master program
852 elements are established in K.C.C. 20.12.200.

853 SECTION 18. K.C.C. 25.08.010 is hereby recodified as a new section in the new
854 chapter established in section 16 of this ordinance.

855 SECTION 19. Ordinance 3688, chapter 2 (part), as amended, and K.C.C.
856 25.08.010 are each hereby amended to read as follows:

857 ~~((Unless otherwise defined in this chapter, t))~~The definitions ~~((contained))~~ in
858 ~~((title 21A (the zoning code) RCW Chapter))~~ K.C.C. chapter 21A.06, chapter 90.58 RCW

859 and (~~WAC 173-14 shall~~) chapter 173-26 WAC apply within the shoreline jurisdiction.

860 The definitions in chapter 90.58 RCW and chapter 173-26 WAC apply if there is a

861 conflict with the definitions in K.C.C. chapter 21A.06. In addition, the following

862 definitions apply to this chapter unless the context clearly requires otherwise:

863 A. "Development" means any development as defined in chapter 90.58 RCW.

864 B. "Shoreline mixed use" means shoreline development that contains a water-

865 dependent use combined with a water related, water enjoyment or a non-water-oriented

866 use in a single building or on a single site in an integrated development proposal. Water

867 dependent uses must comprise a significant portion of the floor area or site area in a

868 shoreline mixed use development.

869 SECTION 20. K.C.C. 25.04.040 is hereby recodified as a new section in the new

870 chapter established in section 16 of this ordinance.

871 SECTION 21. Ordinance 3688, Section 104, and K.C.C. 25.04.040 are each

872 hereby amended to read as follows:

873 This (~~title~~) chapter is exempted from the rule of strict construction and shall be

874 liberally construed to give full effect to the objectives and purposes for which it was

875 enacted.

876 SECTION 22. K.C.C. 25.04.050 is hereby recodified as a new section in the new

877 chapter established in section 16 of this ordinance.

878 SECTION 23. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050

879 are each hereby amended to read as follows:

880 ~~((A. When provisions of this chapter conflict with the sensitive areas code,~~
881 ~~K.C.C. Chapter 21A.54, that which provides more protection to the sensitive area shall~~
882 ~~apply.~~

883 ~~B. King County shall issue no permit prior to approval pursuant to this title and~~
884 ~~shall take no action contrary to t))The goals, policies((, objectives)) and regulations of the~~
885 ~~King County shoreline ((management)) master program ((when property under the~~
886 ~~jurisdiction of the Shoreline Management Act is involved in a request for a decision in~~
887 ~~any of the following programs:~~

- 888 ~~1. Building permit;~~
- 889 ~~2. Right of way construction permit;~~
- 890 ~~3. Short subdivision;~~
- 891 ~~4. Grading permit;~~
- 892 ~~5. Site plan approval;~~
- 893 ~~6. Access permit;~~
- 894 ~~7. Trail permit;~~
- 895 ~~8. State flood control zone permit;~~
- 896 ~~9. Zoning variance;~~
- 897 ~~10. Conditional use permit;~~
- 898 ~~11. Comprehensive plan amendment or addition;~~
- 899 ~~12. Zone reclassification;~~
- 900 ~~13. Special use permit;~~
- 901 ~~14. Urban planned development approval;~~
- 902 ~~15. Subdivision approval.~~

903 ~~16. Mobile home park permit;~~
904 ~~17. Mobile home permit; and~~
905 ~~18. Recreational vehicle park permit;~~
906 ~~19. Commercial site development permit))~~ must be met before issuing any
907 permits or approvals on land within the shoreline jurisdiction.

908 SECTION 24. K.C.C. 25.12.030, as amended by this ordinance, is hereby
909 recodified as a new section in the new chapter established in section 16 of this ordinance.

910 SECTION 25. Ordinance 3688, Section 303, and K.C.C. 25.12.030 are each
911 hereby amended to read as follows:

912 ~~((Each environment designation shall))~~ A. The King County shoreline
913 jurisdiction consists of:

914 ~~((A. The entire water body from its centerline or point, including all water below~~
915 ~~the surface;~~

916 ~~B. The associated wetlands, provided, in those cases where a floodplain or other~~
917 ~~severe biophysical limitation to development does not cover the entire associated~~
918 ~~wetland, one environment designation may be placed on the floodplain portion of the~~
919 ~~wetland or the portion of the wetland with severe biophysical limitations and another on~~
920 ~~the remaining portion of the wetland;~~

921 ~~C. In shoreline areas where severe biophysical constraints such as flood plains,~~
922 ~~steep slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire~~
923 ~~associated wetland, proposed development in the remaining area may be permitted~~
924 ~~consistent with the character of the surrounding land use, the physical capabilities of the~~
925 ~~associated wetland and applicable county land use plans and policies))~~ 1. All water areas

926 of the state, as defined in RCW 90.58.030, including reservoirs and associated wetlands,
927 together with the lands underlying them, except for:

928 a. lakes smaller than twenty acres and their associated wetlands; and

929 b. segments of rivers and streams and their associated wetlands where the
930 mean annual flow is less than twenty cubic feet per second; and

931 2.a. The shorelands that extend landward in all directions as measured on a
932 horizontal plane for two hundred feet from the ordinary high water mark of the
933 waterbodies identified in subsection A.1. of this section;

934 b. the one hundred year floodplain and contiguous floodplain areas landward
935 two hundred feet from the one-hundred year floodplain; and

936 c. all wetlands and river deltas associated with the streams, lakes and tidal
937 waters that are subject to chapter 90.58 RCW.

938 B. The shoreline jurisdiction does not include tribal reservation lands and lands
939 held in trust by the federal government for tribes. Nothing in the King County Shoreline
940 Master Program or action taken under that program shall affect any treaty right to which
941 the United States is a party.

942 C. The King County shoreline jurisdiction is shown on a map adopted in chapter
943 5 of the King County Comprehensive Plan. If there is a discrepancy between the map
944 and the criteria established in subsection A. of this section, the criteria shall constitute the
945 official King County shoreline jurisdiction.

946 SECTION 26. K.C.C. 25.12.020, as amended by this ordinance, is hereby
947 recodified as a new section in the new chapter established in section 16 of this ordinance.

948 SECTION 27. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each
949 hereby amended to read as follows:

950 A. In order to accomplish the ~~((purpose of this title, environmental))~~ goals,
951 policies and regulations of the King County shoreline master program, the following
952 shoreline environment designations have been established ~~((to be known as follows))~~:

953 ~~((A.))~~ 1. ((Natural environment)) High Intensity shoreline;

954 ~~((B.))~~ 2. ((Conservancy environment)) Residential shoreline;

955 ~~((C.))~~ 3. Rural ((environment)) shoreline;

956 ~~((D.))~~ 4. ((Urban environment)) Conservancy shoreline;

957 5. Resource shoreline;

958 6. Forestry shoreline;

959 7. Natural shoreline; and

960 8. Aquatic.

961 B. The shoreline environment designations are included on a map in chapter 5 of
962 the King County Comprehensive Plan. If there is a discrepancy between the map and the
963 criteria established in chapter 5 of the King County Comprehensive Plan for shoreline
964 environment designations, the criteria shall constitute the official King County shoreline
965 environment designation. Any parcel of land included within the shoreline jurisdiction
966 without a shoreline environment designation shall be considered within the Conservancy
967 environment.

968 C. The purpose of each shoreline environment designation is defined as follows:

969 1. The purpose of the High Intensity shoreline is to provide for high intensity
970 water-oriented commercial and industrial uses;

971 2. The purpose of the Residential shoreline is to accommodate residential and
972 commercial uses on a scale appropriate with urban residential zones;

973 3. The purpose of the Rural shoreline is to accommodate land uses normally
974 associated with rural area levels of development while providing appropriate public
975 access and recreational uses to the maximum extent practicable;

976 4. The purpose of the Conservancy shoreline is to conserve areas that are a high
977 priority for restoration, include valuable historic properties or provide recreational
978 opportunities;

979 5. The purpose of the Resource shoreline is to allow for mining and agricultural
980 uses on lands that are designated under the Growth Management Act as agricultural land
981 of long term commercial significance or mineral resource lands;

982 6. The purpose of the Forestry shoreline is to allow for forestry uses;

983 7. The purpose of the Natural shoreline is to protect those shoreline areas that
984 are relatively free of human influence or have high ecological quality. This designation
985 allows only very low intensity uses in order to maintain the existing high levels of
986 ecological process and function; and

987 8. The Aquatic environment is to protect, restore and manage the unique
988 characteristics and resources of the areas waterward of the ordinary high water mark.

989 SECTION 28. K.C.C. 25.12.050, as amended by this ordinance, is hereby
990 recodified as a new section in the new chapter established in section 16 of this ordinance.

991 SECTION 29. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each
992 hereby amended to read as follows:

993 A. ~~((Boundaries indicated as following streets, highways, roads and bridges shall~~
994 ~~be deemed to follow the centerline of such facilities unless otherwise specified.~~

995 B. ~~Boundaries indicated as following railroad lines and transmission lines shall~~
996 ~~be deemed to follow the centerline of such rights of way or easements unless otherwise~~
997 ~~specified.~~

998 C.) Where different ~~((environmental))~~ environment designations have been
999 given to a tributary and the main stream at the point of confluence, the ~~((environmental))~~
1000 environment designation given to the main stream shall extend for a distance of two
1001 hundred feet up the tributary.

1002 ~~((D.))~~ B. In case of uncertainty as to a wetland or environment boundary, the
1003 director shall determine its exact location ~~((pursuant to the criteria of WAC 173-22-055~~
1004 ~~and))~~ in accordance with RCW 90.58.030 and ~~((the provisions of))~~ this chapter.

1005 NEW SECTION. SECTION 30. A. Shoreline use is an activity that is allowed
1006 within a specific shoreline environment. Shoreline uses are identified in section 31 of
1007 this ordinance.

1008 B. Shoreline modification is construction of a physical element such as a
1009 bulkhead, groin, berm, jetty, breakwater, dredging, filling, vegetation removal or
1010 alteration or application of chemicals that changes the natural or existing shoreline
1011 conditions. Shoreline modifications are identified in section 39 of this ordinance.

1012 C. King County shall ensure that uses and modifications within the shoreline
1013 jurisdiction do not cause a net loss of shoreline ecological functions and comply with the
1014 sequencing requirements under section 129 of this ordinance.

1015 NEW SECTION. SECTION 31. A. The shoreline use table in this section
1016 determines whether a specific use is allowed within each of the shoreline environments.
1017 The shoreline environment is located on the vertical column and the specific use is
1018 located on the horizontal row of the table. The specific uses are grouped by the shoreline
1019 use categories in WAC 173-26-241. The specific uses are defined by those uses in
1020 K.C.C. chapter 21A.08. The table should be interpreted as follows:

- 1021 1. If the cell is blank in the box at the intersection of the column and the row,
1022 the use is prohibited in that shoreline environment;
- 1023 2. If the letter "P" appears in the box at the intersection of the column and the
1024 row, the use may be allowed within the shoreline environment;
- 1025 3. If the letter "C" appears in the box at the intersection of the column and the
1026 row, the use may be allowed within the shoreline environment subject to the shoreline
1027 conditional use review procedures specified in K.C.C. 25.32.050, as recodified by this
1028 ordinance.
- 1029 4. If a number appears in the box at the intersection of the column and the row,
1030 the use may be allowed subject to the appropriate review process in this section, the
1031 general requirements of this chapter and the specific development conditions indicated
1032 with the corresponding number in subsection C. of this section. If more than one number
1033 appears after a letter, all numbers apply.
- 1034 5. If more than one letter-number combination appears in the box at the
1035 intersection of the column and the row, the use is allowed in accordance with each letter-
1036 number combination.

1037 6. A shoreline use may be allowed in the aquatic environment only if that
 1038 shoreline use is allowed in the adjacent shoreland environment.

1039 7. This section does not authorize a land use that is not allowed by the
 1040 underlying zoning, but may add additional restrictions or conditions or prohibit specific
 1041 land uses within the shoreline jurisdiction. When there is a conflict between the
 1042 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,
 1043 preference for shoreline uses shall first be given to water-dependent uses, then to water
 1044 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction
 1045 must comply with all relevant county code provisions and with the King County
 1046 Shoreline Master Program.

1047 **B. Shoreline uses**

KEY P - Permitted Use. C -	H	I	R	E	R	U	C	O	R	E	F	O	N	A	A	Q
Shoreline Conditional Use.	I	N	S	I	R	A	N	S	S	O	R	E	T	U	U	A
Blank - Prohibited. Shoreline	G	T	D	E	L	E	R	U	R	S	T	R	A	T	I	
uses are allowed only if the	H	E	N	T		V	A	C	E	R	Y	L	C			
underlying zoning allows the	N	I	A			N	C									
use. Shoreline uses are	S	L				Y										
allowed in the aquatic	I															
environment only if the	T															
adjacent upland environment	Y															
allows the use																
Agriculture																

Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture								
Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)	P2							
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility and private stormwater management	P9	C10						

facility (K.C.C. 21A.08.060)								
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	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.								C16

21A.08.090)								
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28

Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	C26						
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	P30							

1048

C. Development conditions:

1049

1. Only low intensity agriculture is allowed in the Natural environment.

1050

2.a. The supporting infrastructure for aquaculture may be located landward of

1051

the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

1052 b. The aquaculture operation must meet the standards in section 32 of this
1053 ordinance.

1054 c. In aquatic areas adjacent to the residential shoreline environment, net pen
1055 facilities shall be located no closer than one thousand five hundred feet from the ordinary
1056 high water mark of this environment, unless the department allows a specific lesser
1057 distance that it determines is appropriate based upon a visual impact analysis. Other
1058 types of floating culture facilities may be located within one thousand five hundred feet
1059 of the ordinary high water mark if supported by a visual impact analysis.

1060 d. In aquatic areas adjacent to the rural shoreline environment, net pen
1061 facilities shall be located no closer than one thousand five hundred feet from the ordinary
1062 high water mark of this environment, unless the department allows a specific lesser
1063 distance that it determines is appropriate based upon a visual impact analysis.

1064 e. In the natural shoreline environment and aquatic areas adjacent to the natural
1065 shoreline environment, limited to aquaculture activities that do not require structures,
1066 facilities or mechanized harvest practices and that will not alter the natural character of
1067 the site or alter natural systems or features.

1068 3.a. New marinas are not allowed along the east shore of Maury Island, from
1069 Piner Point to Point Robinson.

1070 b. Marinas must meet the standards in section 33 of this ordinance.

1071 4. Water dependent general services land uses in K.C.C. 21A.08.050 are
1072 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only
1073 allowed on sites that are not contiguous with the ordinary high water mark or on sites that
1074 do not have an easement that provides direct access to the water.

- 1075 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are
1076 allowed.
- 1077 b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are
1078 only allowed as part of a shoreline mixed-use development that includes water-dependent
1079 uses.
- 1080 c. Non-water-oriented general services land uses must provide a significant
1081 public benefit by helping to achieve one or more of the following shoreline master
1082 program goals:
- 1083 i. economic development for uses that are water-dependent;
 - 1084 ii. public access;
 - 1085 iii. water-oriented recreation;
 - 1086 iv. multimodal transportation circulation;
 - 1087 v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife
1088 habitat; or
 - 1089 vi. preservation of historic properties.
- 1090 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
1091 Water-related business services uses are only allowed as part of a shoreline mixed-use
1092 development and only if they support a water-dependent use. The water-related business
1093 services uses must comprise less than one-half of the square footage of the structures or
1094 the portion of the site within the shoreline jurisdiction.
- 1095 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.
- 1096 b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
1097 part of a shoreline mixed-use development if the non-water-dependent retail use supports

1098 a water-dependent use. Non-water-dependent uses must comprise less than one-half of
1099 the square footage of the structures or the portion of the site within the shoreline
1100 jurisdiction.

1101 c. Non-water-oriented retail uses must provide a significant public benefit by
1102 helping to achieve one or more of the following shoreline master program goals:

1103 i. economic development for uses that are water-dependent;

1104 ii. public access;

1105 iii. water-oriented recreation;

1106 iv. multimodal transportation circulation;

1107 v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife
1108 habitat; and

1109 vi. preservation of historic properties.

1110 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-
1111 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a
1112 significant public benefit by helping to achieve one or more of the following shoreline
1113 master program goals:

1114 a. economic development for uses that are water-dependent;

1115 b. public access;

1116 c. water-oriented recreation;

1117 d. multimodal transportation circulation;

1118 e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife

1119 habitat; and

1120 f. preservation of historic properties.

1121 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

1122 b. Non-water-dependent government services in K.C.C. 21A.08.060 are only
1123 allowed as part of a shoreline mixed-use development if the non-water-dependent
1124 government use supports a water-dependent use. Non-water-dependent uses must
1125 comprise less than one-half of the square footage of the structures or the portion of the
1126 site within the shoreline jurisdiction. Only low-intensity water-dependent government
1127 services are allowed in the Natural environment.

1128 10. The following standards apply to government services uses within the
1129 Aquatic environment:

1130 a. Stormwater and sewage outfalls are allowed if upland treatment and
1131 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on
1132 critical saltwater habitats, salmon migratory habitat and the nearshore zone. However,
1133 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
1134 except from Piner Point to Point Robinson;

1135 b. Water intakes shall not be located near fish spawning, migratory or rearing
1136 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife
1137 fish screening criteria. To the maximum extent practical, intakes should be placed at
1138 least thirty feet below the ordinary high water mark;

1139 c. Desalinization facilities shall not be located near fish spawning, migratory or
1140 rearing areas. Intakes should generally be placed deeper than thirty feet below the
1141 ordinary high water mark and must adhere to Washington state Department Fish and
1142 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
1143 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner

1144 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
1145 critical saltwater habitats, salmon migratory habitat and the nearshore zone;

1146 d. Cable crossings for telecommunications and power lines shall:

1147 (1) be routed around or drilled below aquatic critical habitat or species;

1148 (2) be installed in sites free of vegetation, as determined by physical or video
1149 seabed survey;

1150 (3) be buried, preferably using directional drilling, from the uplands to
1151 waterward of the deepest documented occurrence of native aquatic vegetation; and

1152 (4) use the best available technology;

1153 e. Oil, gas, water and other pipelines shall meet the same standards as cable
1154 crossings and in addition:

1155 (1) pipelines must be directionally drilled to depths of seventy feet or one half
1156 mile from the ordinary high water mark; and

1157 (2) use the best available technology for operation and maintenance;

1158 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or
1159 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

1160 11. Only low intensity forestry is allowed in the Natural environment and all
1161 forestry must meet the standards in K.C.C. 25.20.060, as recodified by this ordinance.

1162 12. Manufacturing uses in the shoreline environment must give preference first
1163 to water-dependent manufacturing uses and second to water-related manufacturing uses:

1164 a. Non-water-oriented manufacturing uses are allowed only:

- 1165 (1) as part of a shoreline mixed-use development that includes a water-
1166 dependent use, but only if the water-dependent use comprises over fifty percent of the
1167 floor area or portion of the site within the shoreline jurisdiction;
- 1168 (2) on sites where navigability is severely limited; or
- 1169 (3) on sites that are not contiguous with the ordinary high water mark or on
1170 sites that do not have an easement that provides direct access to the water; and
- 1171 (4) all non-water-oriented manufacturing uses must also provide a significant
1172 public benefit, such as ecological restoration, environmental clean-up, historic
1173 preservation or water-dependent public education;
- 1174 b. public access is required for all manufacturing uses unless it would result in
1175 a public safety risk or is incompatible with the use;
- 1176 c. shall be located, designed and constructed in a manner that ensures that there
1177 are no significant adverse impacts to other shoreline resources and values.
- 1178 d. restoration is required for all new manufacturing uses;
- 1179 e. boat repair facilities are not permitted within the Maury Island Aquatic
1180 Reserve, except as follows:
- 1181 (1) engine repair or maintenance conducted within the engine space without
1182 vessel haul-out;
- 1183 (2) topside cleaning, detailing and bright work;
- 1184 (3) electronics servicing and maintenance;
- 1185 (4) marine sanitation device servicing and maintenance that does not require
1186 haul-out;
- 1187 (5) vessel rigging; and

1188 (6) minor repairs or modifications to the vessel's superstructure and hull
1189 above the waterline that do not exceed twenty-five percent of the vessel's surface area
1190 above the waterline.

1191 13. The water-dependent in-stream portion of a hydroelectric generation facility,
1192 wastewater treatment facility and municipal water production are allowed, including the
1193 upland supporting infrastructure, and shall provide for the protection and preservation, of
1194 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
1195 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
1196 hydrogeological processes, and natural scenic vistas.

1197 14. New in-stream portions of utility facilities may be located within the
1198 shoreline jurisdiction if:

1199 a. there is no feasible alternate location;

1200 b. provision is made to protect and preserve ecosystem-wide processes,
1201 ecological functions, and cultural resources, including, but not limited to, fish and fish
1202 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
1203 and natural scenic vistas; and

1204 c. the use complies with the standards in K.C.C. 25.16.160, as recodified by
1205 this ordinance.

1206 15. Limited to in-stream infrastructure, such as bridges, and must consider the
1207 priorities of the King County Shoreline Protection and Restoration Plan when designing
1208 in-stream transportation facilities. In-stream structures shall provide for the protection
1209 and preservation, of ecosystem-wide processes, ecological functions, and cultural

1210 resources, including, but not limited to, fish and fish passage, wildlife and water
1211 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
1212 16. Limited to hatchery and fish preserves.
1213 17. Mineral uses:
1214 a. must meet the standards in K.C.C. Chapter 21A.22;
1215 b. must be dependent upon a shoreline location;
1216 c. must avoid and mitigate adverse impacts to the shoreline environment
1217 during the course of mining and reclamation to achieve no net loss of shoreline ecological
1218 function. In determining whether there will be no net loss of shoreline ecological
1219 function, the evaluation may be based on the final reclamation required for the site.
1220 Preference shall be given to mining proposals that result in the creation, restoration, or
1221 enhancement of habitat for priority species;
1222 d. must provide for reclamation of disturbed shoreline areas to achieve
1223 appropriate ecological functions consistent with the setting;
1224 e. may be allowed within the active channel of a river only as follows:
1225 i. removal of specified quantities of sand and gravel or other materials at
1226 specific locations will not adversely affect the natural processes of gravel transportation
1227 for the river system as a whole;
1228 ii. the mining and any associated permitted activities will not have significant
1229 adverse impacts to habitat for priority species nor cause a net loss of ecological functions
1230 of the shoreline; and
1231 iii. if no review has been previously conducted under this subsection C.17.e.,
1232 prior to renewing, extending or reauthorizing gravel bar and other in-channel mining

1233 operations in locations where they have previously been conducted, the department shall
1234 require compliance with this subsection C.17.e. If there has been prior review, the
1235 department shall review previous determinations comparable to the requirements of this
1236 section C.17.e. to ensure compliance with this subsection under current site conditions;
1237 and

1238 f. Must comply with K.C.C. 25.16.190, as recodified by this ordinance.

1239 18. Only water-dependent recreational uses are allowed, except for public parks
1240 and trails, in the High Intensity environment and must meet the standards in section 36 of
1241 this ordinance for public access and K.C.C. 25.16.200, as recodified by this ordinance,
1242 for recreation.

1243 19. Water-dependent and water-enjoyment recreational uses are allowed in the
1244 Residential, Rural and Forestry environments and must meet the standards in section 36
1245 of this ordinance for public access and K.C.C. 25.16.200, as recodified by this ordinance,
1246 for recreation.

1247 20. In the Conservancy environment, only the following recreation uses are
1248 allowed and must meet the standards in section 36 of this ordinance for public access and
1249 K.C.C. 25.16.200, as recodified by this ordinance, for recreation:

1250 a. parks; and

1251 b. trails.

1252 21. In the Natural environment, only passive and low-impact recreational uses
1253 are allowed.

1254 22. Single detached dwelling units must be located outside of the aquatic area
1255 buffer and set back from the ordinary high water mark to the maximum extent practical.

1256 23. Only allowed as part of a water-dependent shoreline mixed-use development
1257 where water-dependent uses comprise more than half of the square footage of the
1258 structures on the portion of the site within the shoreline jurisdiction.

1259 24. Residential accessory uses must meet the following standards:

1260 a. docks, piers, moorage, buoys, floats or launching facilities must meet the
1261 standards in K.C.C. 25.16.120, as recodified by this ordinance;

1262 b. residential accessory structures located within the aquatic area buffer shall
1263 be limited to a total footprint of one-hundred fifty square feet; and

1264 c. accessory structures shall be sited to preserve visual access to the shoreline
1265 to the maximum extent practical.

1266 25. New highway and street construction is allowed only if there is no feasible
1267 alternate location. Only low-intensity transportation infrastructure is allowed in the
1268 Natural environment.

1269 26. Utility facilities are subject to the standards in K.C.C. 25.16.160, as
1270 recodified by this ordinance.

1271 27. Only bed and breakfast guesthouses.

1272 28. Only in a marina.

1273 29. Transportation facilities are subject to the standards in section 56 of this
1274 ordinance.

1275 30. Only solid waste transfer stations and subject to K.C.C. 25.16.160, as
1276 recodified by this ordinance.

1277 NEW SECTION. SECTION 32. An applicant for an aquaculture facility must
1278 use the sequential measures in section 129 of this ordinance. The following standards
1279 apply to aquaculture:

1280 A. Unless the applicant demonstrates that the substrate modification will result in
1281 an increase in habitat diversity, aquaculture that involves little or no substrate
1282 modification shall be given preference over aquaculture that involves substantial
1283 substrate modification and the degree of proposed substrate modification shall be limited
1284 to the maximum extent practical.

1285 B. The installation of submerged structures, intertidal structures and floating
1286 structures shall be limited to the maximum extent practical.

1287 C. Aquaculture proposals that involve substantial substrate modification or
1288 sedimentation through dredging, trenching, digging, mechanical clam harvesting or other
1289 similar mechanisms, shall not be permitted in areas where the proposal would adversely
1290 impact critical saltwater habitats.

1291 D. Aquaculture activities that after implementation of mitigation measures would
1292 have a significant adverse impact on natural, dynamic shoreline processes or that would
1293 result in a net loss of shoreline ecological functions shall be prohibited.

1294 E. Aquaculture should not be located in areas that will result in significant
1295 conflicts with navigation or other water-dependent uses.

1296 F. Aquaculture facilities shall be designed, located and managed to prevent the
1297 spread of diseases to native aquatic life or the spread of new nonnative species.

1298 G. Aquaculture practices shall be designed to minimize use of artificial chemical
1299 substances and shall use chemical compounds that are least persistent and have the least

1300 impact on plants and animals. Herbicides and pesticides shall be used only in
1301 conformance with state and federal standard and to the minimum extent needed for the
1302 health of the aquaculture activity.

1303 H. Commercial salmon net pen facilities shall not be located in King County
1304 waters. These do not include subsistence salmon net pen facilities operated by tribes with
1305 treaty fishing rights or the limited penned cultivation of wild salmon stocks during a
1306 limited portion of their lifecycle to enhance restoration of native stocks or when
1307 implemented as mitigation for a development activity, but only when such activities
1308 involve minimal supplemental feeding and limited use of chemicals or antibiotics as
1309 provided in subsection G. of this section.

1310 I. If uncertainty exists regarding potential impacts of a proposed aquaculture
1311 activity and for all experimental aquaculture activities, unless otherwise provided for, the
1312 department may require baseline and periodic operational monitoring by a county-
1313 approved consultant, at the applicant's expense, and shall continue until adequate
1314 information is available to determine the success of the project and the magnitude of any
1315 probable significant adverse environmental impacts. Permits for such activities shall
1316 include specific performance measures and provisions for adjustment or termination of
1317 the project at any time if monitoring indicates significant, adverse environmental impacts
1318 that cannot be adequately mitigated.

1319 J. Aquaculture developments approved on an experimental basis shall not exceed
1320 five acres in area, except land-based projects and anchorage for floating systems, and
1321 three years in duration. The department may issue a new permit to continue an
1322 experimental project as many times as it determines is necessary and appropriate.

1323 K. The department may require aquaculture operations to carry liability insurance
1324 in an amount commensurate with the risk of injury or damage to any person or property
1325 as a result of the project. Insurance requirements shall not be required to duplicate
1326 requirements of other agencies.

1327 L. If aquaculture activities are authorized to use public facilities, such as boat
1328 launches or docks, King County may require the applicant to pay a portion of the cost of
1329 maintenance and any required improvements commensurate with the use of those
1330 facilities.

1331 M. New aquatic species that are not previously cultivated in Washington state
1332 shall not be introduced into King County saltwaters or freshwaters without prior written
1333 approval of the Director of the Washington state Department of Fish and Wildlife and the
1334 Director of the Washington Department of Health. This prohibition does not apply to:
1335 Pacific, Olympia, Kumomoto, Belon or Virginia oysters; Manila, Butter, or Littleneck
1336 clams; or Geoduck clams.

1337 N. Unless otherwise provided in the shoreline permit issued by the department,
1338 repeated introduction of an approved organism after harvest in the same location shall
1339 require approval by the county only at the time the initial aquaculture use permit is
1340 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
1341 organism in any area within the waters of King County regardless of whether it is a native
1342 or resident organism within the county and regardless of whether it is being transferred
1343 from within or without the waters of King County.

1344 O. For aquaculture projects, over-water structures shall be allowed only if
1345 necessary for the immediate and regular operation of the facility. Over-water structures

1346 shall be limited to the, storage of necessary tools and apparatus in containers of not more
1347 than three feet in height, as measured from the surface of the raft or dock.

1348 P. Except for the sorting or culling of the cultured organism after harvest and the
1349 washing or removal of surface materials or organisms before or after harvest, no
1350 processing of any aquaculture product shall occur in or over the water unless specifically
1351 approved by permit. All other processing and processing facilities shall be located
1352 landward of the ordinary high water mark.

1353 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict
1354 compliance with all applicable governmental waste disposal standards, including, but not
1355 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
1356 Pollution Control. No garbage, wastes or debris shall be allowed to accumulate at the site
1357 of any aquaculture operation.

1358 R. Unless approved in writing by the National Marine Fisheries Service or the
1359 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
1360 harassment of birds or mammals. Approved controls include, but are not limited to,
1361 double netting for seals, overhead netting for birds and three-foot high fencing or netting
1362 for otters. The use of other nonlethal, nonabusive predator control measures shall be
1363 contingent upon receipt of written approval from the National Marine Fisheries Service
1364 or the U.S. Fish and Wildlife Service, as required.

1365 S. Fish net pens and rafts shall meet the following criteria in addition to the other
1366 applicable regulations of this section:

1367 1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent
1368 with the recommendations in the Washington state Department of Natural Resources

1369 Maury Island Environmental Aquatic Reserve Final Management Plan (October 29,
1370 2004);

1371 2. Fish net pens shall meet, at a minimum, state approved administrative
1372 guidelines for the management of net pen cultures. In the event there is a conflict in
1373 requirements, the more restrictive requirement shall prevail;

1374 3. Fish net pens shall not occupy more than two surface acres of water area,
1375 excluding booming and anchoring requirements. Anchors that minimize disturbance to
1376 substrate, such as helical anchors, shall be employed. Such operations shall not use
1377 chemicals or antibiotics;

1378 4. Aquaculture proposals that include new or added net pens or rafts shall not be
1379 located closer than one nautical mile to any other aquaculture facility that includes net
1380 pens or rafts. The department may authorize a lesser distance if the applicant
1381 demonstrates to the satisfaction of the department that the proposal will be consistent
1382 with the environmental and aesthetic policies and objectives of this chapter and the
1383 Shoreline Master Program. The applicant shall demonstrate to the satisfaction of the
1384 department that the cumulative impacts of existing and proposed operations would not be
1385 contrary to the policies and regulations of the program;

1386 5. Net cleaning activities shall be conducted on a frequent enough basis so as
1387 not to violate state water quality standards. When feasible, the cleaning of nets and other
1388 apparatus shall be accomplished by air drying, spray washing or hand washing; and

1389 6. In the event of a significant fish kill at the site of a net pen facility, the fin fish
1390 aquaculture operator shall submit a timely report to Public Health - Seattle-King County,

1391 Environmental Health Division and the department stating the cause of death and shall
1392 detail remedial actions to be implemented to prevent reoccurrence.

1393 T. All floating and submerged aquaculture structures and facilities in navigable
1394 waters shall be marked in accordance with United States Coast Guard requirements.

1395 U. The rights of treaty tribes to aquatic resources within their usual and
1396 accustomed areas shall be addressed through direct coordination between the applicant
1397 and the affected tribes through the permit review process.

1398 V. Aquaculture structures and equipment shall be of sound construction and shall
1399 be so maintained. Abandoned or unsafe structures and equipment shall be removed or
1400 repaired promptly by the owner. Where any structure might constitute a potential hazard
1401 to the public in the future, the department shall require the posting of a bond
1402 commensurate with the cost of removal or repair. The department may abate an
1403 abandoned or unsafe structure in accordance with K.C.C. Title 23.

1404 NEW SECTION. SECTION 33. Public boat launching facilities and marinas
1405 must meet the following standards:

1406 A. The traffic generated the facility must be safely and conveniently handled by
1407 the streets serving the proposed facility;

1408 B. The facility must provide adequate parking in accordance with K.C.C. chapter
1409 21A.18;

1410 C. Live-aboards on a vessel are only allowed in a marina and only as follows:

1411 1. They are for residential use only;

1412 2. The marina shall provide shower and toilet facilities on land;

1413 3. There shall be no sewage discharges to the water;

1414 4. Live-aboards shall not exceed ten percent of the total slips in the marina; and

1415 5. The vessels shall be owner-occupied;

1416 D. The marina must be sited to protect the rights of navigation;

1417 E. The marina must be equipped with pumpout facilities;

1418 F. The marina must have provisions available for cleanup of accidental spills of
1419 contaminants;

1420 G. Marinas and boat ramps must be located where their development will not
1421 interrupt littoral currents, at the ends of drift cells and away from erosional pocket
1422 beaches;

1423 H. Lighting shall be maintained to avoid creating shading for aquatic predator
1424 species and other impacts to upland wildlife;

1425 I. Vessels moored on waters of the state shall obtain any required lease or
1426 permission from the state; and

1427 J. New covered or enclosed moorages are not allowed in the Maury Island
1428 aquatic reserve.

1429 SECTION 34. K.C.C. 25.20.060, as amended by this ordinance, is hereby
1430 recodified as a new section in the new chapter established in section 16 of this ordinance.

1431 SECTION 35. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060,
1432 are each hereby amended to read as follows:

1433 ~~((Forest practices may be permitted in the rural environment provided:))~~ A.
1434 Forest practices ~~((see chapter 76.09 RCW) within shorelines require a shoreline~~
1435 ~~conditional use permit when occurring outside of the lands classified F in the King~~
1436 ~~County zoning code. Forest practices within shorelines on lands classified F in the King~~

1437 ~~County zoning code shall require a shoreline conditional use permit when~~) within
1438 shorelines of statewide significance ~~((are involved or the forest practices would~~
1439 ~~potentially impact))~~ shall meet the following conditions:

- 1440 1. ~~((Geological hazards which could damage public resources;~~
- 1441 ~~2. State threatened or endangered species;~~
- 1442 ~~3. Critical wildlife habitat;~~
- 1443 ~~4. Streams which could create instability of the drainage or affect temperature or~~
1444 ~~sediment delivery to other streams resulting in damage to public resources;~~
- 1445 ~~5. Identified critical areas of watersheds supplying fish hatcheries, artificial~~
1446 ~~rearing areas, domestic or municipal water systems;~~
- 1447 ~~6. Areas having archeological or cultural significance;~~
- 1448 ~~7. Areas with a high potential of soil erosion.))~~ Only selective commercial
1449 timber harvest is allowed, except other timber harvesting methods may be permitted
1450 where the topography, soil conditions or silviculture practices necessary for forest
1451 regeneration render selective commercial timber harvests ecologically detrimental;
- 1452 2. No more than thirty percent of the merchantable trees may be harvested in
1453 any ten year period of time; and
- 1454 3. Clear cutting of timber that is necessary for the preparation of land for other
1455 uses authorized by the King County shoreline master program may be permitted so long
1456 as limited to the maximum extent practical.

1457 B. ~~((Buffers. On all forest practices requiring a shoreline conditional use permit,~~
1458 ~~a minimum buffer of 100 feet from either the ordinary high water mark or the edge of the~~
1459 ~~FEMA floodway, whichever is greater, shall be established. The buffer shall be extended~~

1460 ~~as necessary pursuant to the sensitive areas code to protect critical fish habitat for~~
1461 ~~spawning or rearing; to alleviate surface water runoff problems; to protect habitat for~~
1462 ~~endangered, threatened, sensitive or monitor species listed by the federal government or~~
1463 ~~the state of Washington; to control erosion hazards or for other reasons set out in K.C.C.~~
1464 ~~chapter 21A.24. Along shorelines outside of lands classified F, there shall be no harvest~~
1465 ~~of timber within the buffer except for necessary roads and crossings. Along shorelines~~
1466 ~~within the lands classified F where a conditional use permit is required, timber harvest~~
1467 ~~within the buffer is permitted so long as the functions of the buffer are not damaged and~~
1468 ~~the applicant submits a harvest plan for review and approval.~~

1469 C. ~~All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be~~
1470 ~~kept clear of obstructions. The minimum size for culverts shall be fifteen inches in~~
1471 ~~diameter.~~

1472 D. ~~Culverts installed in streams used by fish shall meet all requirements set by~~
1473 ~~the state Department of Fish and Wildlife and K.C.C. chapter 9.04.~~

1474 E. ~~Roads and landings shall not be constructed within shoreline areas~~
1475 ~~except when necessary to:~~

1476 1. ~~Cross streams;~~

1477 2. ~~Avoid road construction on unstable soils or on steep slopes when such~~
1478 ~~construction would be more harmful than a shoreline location;~~

1479 3. ~~Perform water course improvement work only after approval of the state~~
1480 ~~Department of Fish and Wildlife.~~

1481 F. ~~Roads shall minimize cut and fill.~~

1482 G. ~~Where roadside material is potentially unstable or erodible, it shall be~~
1483 ~~stabilized by use of seeding, compacting, riprapping, benching or other suitable means.~~

1484 H. ~~Cut slopes shall not exceed:~~

1485 (X to Y) 1/4 to 1 in rock

1486 3/4 to 1 in stable soils

1487 1-1/2 to 1 in unstable soils

1488 I. ~~Side cast and embankment fill slopes shall not exceed:~~

1489 (X to Y) 1 1/3 to 1 in broken rock and stable soils

1490 1-1/2 to 1 in unstable soils

1491 J. ~~Running surface widths should be kept to a minimum, with not more than~~
1492 ~~twenty six feet for two lane roads and not more than fourteen feet for single lane roads.~~

1493 K. ~~Embankment fills shall:~~

1494 1. ~~Be constructed and compacted in layers no more than two feet thick;~~

1495 2. ~~Consist of inorganic material with no buried slash or debris beneath the~~
1496 ~~running surface;~~

1497 3. ~~Not encroach upon a one hundred year floodplain so as to reduce its storage~~
1498 ~~capacity or disturb riparian vegetation.~~

1499 L. ~~Where side cast would encroach upon a one hundred year floodplain, end haul~~
1500 ~~construction is required.~~

1501 M. ~~Waterway crossings shall be constructed with minimum disturbance to banks~~
1502 ~~and existing channels.~~

1503 N. ~~Any soil or debris accidentally placed in the channel during bridge~~
1504 ~~construction shall be removed by approved methods. All exposed soils shall be stabilized.~~

1505 ~~Q. All bridges shall be high enough to pass all anticipated debris and high water~~
1506 ~~flows.~~

1507 ~~P. Where aggregate earthen materials are used for paving or accumulate on~~
1508 ~~bridges, sufficient curbs shall be installed to contain the surface material.~~

1509 ~~Q. Each stringer bridge shall have one secured end and one end free to swing.~~

1510 ~~R. When active use of a logging road is discontinued, it shall be left in such~~
1511 ~~condition to provide adequate drainage and soil stability.~~

1512 ~~S. Equipment used for transportation, storage or application of chemicals shall be~~
1513 ~~maintained in leakproof condition. If there is evidence of chemical leakage, the further~~
1514 ~~use of such equipment must be suspended until the deficiency has been satisfactorily~~
1515 ~~corrected.~~

1516 ~~T. Materials treated with penta, creosote or other chemicals shall be dried~~
1517 ~~completely before use in any lake or stream)) Forest practices in the Natural environment~~
1518 ~~must be of low intensity and only for the purpose of enhancing forest health.~~

1519 C. Forest practices within shoreline environments must comply with the Forest
1520 Practices Rules in Title 222 WAC and the revised Forest Practices Board Manual except:

1521 1. The small forest landowner forestry riparian easement program established in
1522 chapter 222-21 WAC does not apply within shorelines; and

1523 2. Roads crossing wetlands and aquatic areas within shorelines shall not exceed
1524 fourteen feet in width for single lane roads and twenty-six feet in width for two-lane
1525 roads, plus any additional width needed for curves or safety conditions.

1526 NEW SECTION. SECTION 36. Public access, including pedestrian and bicycle
1527 pathways, shall be located in accordance with the shoreline public access plan and as
1528 follows:

1529 A. Except as otherwise provided in subsection B. of this section, public access
1530 shall be required for:

- 1531 1. Attached residential developments;
- 1532 2. New subdivisions of more than four lots;
- 1533 3. Developments for water enjoyment, water related and non-water-dependent
1534 uses;
- 1535 4. Publicly owned land, including, but not limited to, land owned by public
1536 agencies and public utilities;
- 1537 5. Marinas; and
- 1538 6. Publicly financed shoreline stabilization projects.

1539 B. Public access shall:

- 1540 1. Connect to other public and private public access and recreation facilities on
1541 adjacent parcels to the maximum extent practical;
- 1542 2. Be sited to ensure public safety is considered; and
- 1543 3. Be open to the general public;

1544 C. Public access is not required if the applicant demonstrates to the satisfaction of
1545 the department that public access would be incompatible with the proposed use because
1546 of safety or security issues, would result in adverse impacts to the shoreline environment
1547 that cannot be mitigated or there are constitutional or other legal limitations that preclude
1548 requiring public access;

1549 D. Public pedestrian and bicycle pathways and recreation areas constructed as
1550 part of a private development proposal should enhance access and enjoyment of the
1551 shoreline and provide features in scale with the development, such as:

- 1552 1. View points;
- 1553 2. Places to congregate in proportion to the scale of the development;
- 1554 3. Benches and picnic tables;
- 1555 4. Pathways; and
- 1556 5. Connections to other public and private public access and recreation
1557 facilities; and

1558 E. Private access from single detached residences to the shoreline shall:

- 1559 1. Not exceed three feet in width;
- 1560 2. Avoid removal of significant trees and other woody vegetation to the
1561 maximum extent practical; and
- 1562 3. Avoid a location that is parallel to the shoreline to the maximum extent
1563 practical.

1564 SECTION 37. K.C.C. 25.16.200, as amended by this ordinance, is hereby
1565 recodified as a new section in the new chapter established in section 16 of this ordinance.

1566 SECTION 38. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each
1567 hereby amended to read as follows:

1568 Recreational development (~~(may be permitted in the urban environment subject to~~
1569 ~~the general requirements (Section 25.16.030) of this chapter, and provided)) must meet
1570 the following standards:~~

- 1571 A. The recreational development ~~((is))~~ must be permitted in the underlying
1572 zone~~((:))~~;
- 1573 B. Recreational uses in the Natural environment must be water-oriented;
- 1574 C. Swimming areas shall be separated from boat launch areas and marinas~~((:))~~, to
1575 the maximum extent practical;
- 1576 ~~((C:))~~ D. The development of underwater sites for sport diving shall not:
1577 1. Take place at depths of greater than eighty feet;
1578 2. Constitute a navigational hazard; and
1579 3. Be located in areas where the normal waterborne traffic would constitute a
1580 hazard to those people who may use such a site~~((:))~~;
- 1581 ~~((D:))~~ E. The construction of swimming facilities, docks, piers, moorages, buoys,
1582 floats and launching facilities below the ordinary high water mark shall be governed by
1583 the regulations relating to docks, piers, ~~((and))~~ moorage, buoys, floats or launching
1584 facility construction in ~~((the commercial development section (Section 25.16.070) of this~~
1585 ~~chapter.))~~ K.C.C. 25.16.120, as recodified by this ordinance;
- 1586 ~~((E:))~~ F. Public boat launching facilities or marinas ~~((may be developed,~~
1587 ~~provided:~~
- 1588 1. ~~The traffic generated by such a facility can be safely and conveniently~~
1589 ~~handled by the streets serving the proposed facility;~~
- 1590 2. ~~The facility will not be located on a Class I beach.~~
- 1591 F. ~~Upland facilities constructed in conjunction with a recreational development~~
1592 ~~shall be setback and/or sited to avoid contamination of the shorelines of the state.~~

1593 ~~G. All service facilities within and associated with marinas shall have provisions~~
1594 ~~to prevent and control contaminants from entering the water. Provisions shall be~~
1595 ~~available for cleanup of accidental spills of contaminants.~~

1596 ~~H. Marina facilities shall be prohibited on Class I beaches or where their~~
1597 ~~development would interrupt littoral currents and starve Class I beaches.~~

1598 ~~I. Public pedestrian and bicycle pathways shall be permitted adjacent to water~~
1599 ~~bodies.~~

1600 ~~J.) shall be governed by section 33 of this ordinance;~~

1601 G. Campgrounds in the Natural environment shall meet the following conditions:

1602 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
1603 not, be located outside of critical areas buffers;

1604 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

1605 3. Removal of vegetation shall be limited to the maximum extent practical;

1606 H. Public contact with unique and fragile areas shall be permitted where it is
1607 possible without destroying the natural character of the area((-);

1608 ~~((K-))~~ I. Water viewing, nature study, recording and viewing shall be
1609 accommodated by open space, platforms, benches or shelter, consistent with public safety
1610 and security;

1611 J. Public recreation shall be provided on county-owned lands consistent with this
1612 chapter unless the director determines public recreation is not compatible with other uses
1613 on the site or will create a public safety risk; and

1614 K. To the maximum extent practical, proposals for non water oriented active
1615 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be

1616 permitted where the non water oriented active recreation facility would have an adverse
1617 impact on critical saltwater habitat.

1618 NEW SECTION. SECTION 39. A. The shoreline modification table in this
1619 section determines whether a specific shoreline modification is allowed within each of
1620 the shoreline environments. The shoreline environment is located on the vertical column
1621 and the specific use is located on the horizontal row of the table. The specific
1622 modifications are grouped by the shoreline modification categories in WAC 173-26-231.
1623 The table should be interpreted as follows:

- 1624 1. If the cell is blank in the box at the intersection of the column and the row,
1625 the modification is prohibited in that shoreline environment;
- 1626 2. If the letter "P" appears in the box at the intersection of the column and the
1627 row, the modification may be allowed within the shoreline environment;
- 1628 3. If the letter "C" appears in the box at the intersection of the column and the
1629 row, the modification may be allowed within the shoreline environment subject to the
1630 shoreline conditional use review procedures specified in K.C.C. 25.32.050, as recodified
1631 by this ordinance;
- 1632 4. If a number appears in the box at the intersection of the column and the row,
1633 the modification may be allowed subject to the appropriate review process indicated in
1634 this section and the specific development conditions indicated with the corresponding
1635 number immediately following the table, and only if the underlying zoning allows the
1636 modification. If more than one number appears at the intersection of the column and
1637 row, both numbers apply; and

1638 5. If more than one letter-number combination appears in the box at the
1639 intersection of the column and the row, the modification is allowed within that shoreline
1640 environment subject to different sets of limitations or conditions depending on the review
1641 process indicated by the letter, the specific development conditions indicated in the
1642 development condition with the corresponding number immediately following the table.

1643 6. A shoreline modification may be allowed in the aquatic environment only if
1644 that shoreline modification is allowed in the adjacent shoreland environment.

1645 7. This section does not authorize a shoreline modification that is not allowed
1646 by the underlying zoning, but may add additional restrictions or conditions or prohibit
1647 specific modifications within the shoreline jurisdiction. All shoreline modifications in
1648 the shoreline jurisdiction must comply with all relevant county code provisions and with
1649 the King County Shoreline Master Program.

1650 B. Shoreline modifications.

KEY P - Permitted Modification. C - Shoreline Conditional Use Required. Blank - Prohibited. Shoreline modifications are allowed only if the underlying zoning allows the modification. Shoreline modifications are allowed in the aquatic								
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environment only if the adjacent upland environment allows the modification								
H I I N G T H E N S I T Y R E S I D E N T I A L R U R A L C O N S E R V A N C Y R E S O U R C E F O R E S T R Y N A T U R A L A Q U A T I C								
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2			P2
Piers and docks								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins								

and weirs								
Breakwaters, jetties, groins and weirs	P5 C5							
Beach and dunes management								
Not applicable in King County								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7							
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

1651 C. Development conditions.

1652 1. New shoreline stabilization, including bulkheads, must meet the standards in

1653 K.C.C. 25.16.180, as recodified by this ordinance;

1654 2. Flood protection facilities must be consistent with the standards in K.C.C.
1655 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,
1656 2007 and the Integrated Stream Protection Guidelines (Washington state departments of
1657 Fish and Wildlife, Ecology and Transportation, 2003). New flood protection facilities
1658 designed as shoreline stabilization must meet the standards in K.C.C. 25.16.180, as
1659 recodified by this ordinance.

1660 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the
1661 standards in K.C.C. 25.16.120, as recodified by this ordinance;

1662 4.a. Filling must meet the standards in K.C.C. 25.16.190, as recodified by this
1663 ordinance.

1664 b. A shoreline conditional use permit is required to:

1665 (1) Place fill waterward of the ordinary high water mark for any use except
1666 ecological restoration or for the maintenance and repair of flood protection facilities; and

1667 (2) Dispose of dredged material within shorelands or wetlands within a
1668 channel migration zone;

1669 c. Fill shall not placed in critical saltwater habitats except when all of the
1670 following conditions are met:

1671 (1) The public's need for the proposal is clearly demonstrated and the
1672 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1673 (2) Avoidance of impacts to critical saltwater habitats by an alternative
1674 alignment or location is not feasible or would result in unreasonable and disproportionate
1675 cost to accomplish the same general purpose;

1676 (3) The project including any required mitigation, will result in no net loss of
1677 ecological functions associated with critical saltwater habitat; and

1678 (4) The project is consistent with the state's interest in resource protection and
1679 species recovery.

1680 d. In a channel migration zone, any filling shall protect shoreline ecological
1681 functions, including channel migration.

1682 5.a. Breakwaters, jetties, groins and weirs:

1683 (1) are only allowed where necessary to support water dependent uses, public
1684 access, approved shoreline stabilization or other public uses, as determined by the
1685 director;

1686 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
1687 habitat restoration project or as an alternative to construction of a shoreline stabilization
1688 structure;

1689 (3) shall not intrude into or over critical saltwater habitats except when all of
1690 the following conditions are met:

1691 (a) the public's need for the structure is clearly demonstrated and the
1692 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1693 (b) avoidance of impacts to critical saltwater habitats by an alternative
1694 alignment or location is not feasible or would result in unreasonable and disproportionate
1695 cost to accomplish the same general purpose;

1696 (c) the project including any required mitigation, will result in no net loss of
1697 ecological functions associated with critical saltwater habitat; and

1698 (d) the project is consistent with the state's interest in resource protection
1699 and species recovery.

1700 b. Groins are only allowed as part of a restoration project sponsored or
1701 cosponsored by a public agency that has natural resource management as a primary
1702 function.

1703 c. A conditional shoreline use permit is required, except for structures installed
1704 to protect or restore shoreline ecological functions.

1705 6. Excavation, dredging and filling must meet the standards in K.C.C.
1706 25.16.190, as recodified by this ordinance. A shoreline conditional use permit is required
1707 to dispose of dredged material within shorelands or wetlands within a channel migration
1708 zone

1709 7. If the department determines the primary purpose is restoration of the natural
1710 character and ecological functions of the shoreline, a shoreline habitat and natural
1711 systems enhancement project may include shoreline modification of vegetation, removal
1712 of nonnative or invasive plants, shoreline stabilization, including the installation of large
1713 woody debris, dredging and filling. Mitigation actions identified through biological
1714 assessments required by the National Marine Fisheries Services and applied to flood
1715 hazard mitigation projects may include shoreline modifications of vegetation, removal of
1716 nonnative or invasive plants, shoreline stabilization, including the installation of large
1717 woody debris, dredging and filling.

1718 8. Within the critical area and critical area buffer, vegetation removal is subject
1719 to K.C.C. chapter 21A.24.

1720 9. Except for forest practices conducted under K.C.C. 25.20.060, as recodified
1721 by this ordinance, existing native vegetation located outside of the critical area and
1722 critical area buffer shall be retained to the maximum extent practical. Within the critical
1723 area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

1724 SECTION 40. K.C.C. 25.16.180, as amended by this ordinance, is hereby
1725 recodified as a new section in the new chapter established in section 16 of this ordinance.

1726 SECTION 41. Ordinance 3688, Section 413, as amended, and K.C.C. 25.16.180,
1727 are each hereby amended to read as follows:

1728 A. Shoreline stabilization shall not be considered an outright use and shall be
1729 permitted only when the department determines that shoreline protection is necessary for
1730 the protection of existing legally established primary structures, new or existing non-
1731 water-dependent development, new or existing water-dependent development or projects
1732 restoring ecological functions or remediating hazardous substance discharges.
1733 Vegetation, berms, bioengineering techniques and other nonstructural alternatives that
1734 preserve the natural character of the shore shall be preferred over riprap, concrete
1735 revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock
1736 or other natural materials shall be preferred over concrete revetments, bulkheads,
1737 breakwaters and other structural stabilization. Lesser impacting measures should be used
1738 before more impacting measures.

1739 B. Structural ((S))shoreline ((protection)) stabilization may be permitted ((in the
1740 urban environment, provided)) subject to the standards in this chapter and as follows:

1741 ~~((A-))~~ 1. The applicant provides a geotechnical analysis that demonstrates that
1742 erosion from waves or currents is imminently threatening or that, unless the structural
1743 shoreline stabilization is constructed, damage is expected to occur within three years;
1744 2. The erosion is not caused by upland conditions;
1745 3. The proposed structural shoreline protection will provide greater protection
1746 than feasible, nonstructural alternatives such as slope drainage systems, vegetative
1747 growth stabilization, gravel berms and beach nourishment;
1748 4. The proposal is the minimum necessary to protect existing legally established
1749 primary structures, new or existing non-water-dependent development, new or existing
1750 water-dependent development or projects restoring ecological functions or remediating
1751 hazardous substance discharges; and
1752 5. Adequate mitigation measures will be provided to maintain existing shoreline
1753 processes and critical fish and wildlife habitat and ensure no net loss or function of
1754 intertidal or riparian habitat.

1755 C. Shoreline ~~((protection))~~ stabilization to replace existing shoreline
1756 ~~((protection))~~ stabilization shall be placed ~~((along the same alignment as the shoreline~~
1757 ~~protection it is replacing))~~ landward of the existing shoreline stabilization, but may be
1758 placed waterward directly abutting the old structure only in cases where removal of the
1759 old structure would result in ~~((construction problems;))~~ greater impact on ecological
1760 functions. In critical saltwater habitats, existing shoreline stabilization shall not be
1761 allowed to remain in place if the existing shoreline stabilization is resulting in the loss of
1762 ecological functions. Adequate mitigation measures that maintain existing shoreline

1763 processes and critical fish and wildlife habitat must be provided that ensures no net loss
1764 or function of intertidal or riparian habitat.

1765 ~~((B. On lots where the abutting lots on both sides have legally established~~
1766 ~~bulkheads, a bulkhead may be installed no further waterward than the bulkheads on the~~
1767 ~~abutting lots, provided that the horizontal distance between existing bulkheads on~~
1768 ~~adjoining lots does not exceed one hundred feet. The manager may, upon review, permit~~
1769 ~~a bulkhead to connect two directly adjoining bulkheads, for a distance up to one hundred~~
1770 ~~fifty feet. In making such a determination the manager shall consider the amount of~~
1771 ~~inter-tidal land/or water bottom to be covered, the existence of fish or shellfish resources~~
1772 ~~thereon, and whether the proposed use or structure could be accommodated by other~~
1773 ~~configurations of bulkhead which would result in less loss of shoreland, tideland, or~~
1774 ~~water bottom;~~

1775 ~~C. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3) (e) (iii)~~
1776 ~~exemption from the shoreline permit requirements and to insure that such bulkheads will~~
1777 ~~be consistent with this program as required by RCW 90.58.141(1), the Building and Land~~
1778 ~~Development Division shall review the proposed design as it relates to local physical~~
1779 ~~conditions and the King County shoreline master program and must find that:~~

1780 ~~1. Erosion from waves or currents is imminently threatening a legally~~
1781 ~~established residence or one or more substantial accessory structures, and~~

1782 ~~2. The proposed bulkhead is more consistent with the King County shoreline~~
1783 ~~master program in protecting the site and adjoining shorelines than feasible, non-~~
1784 ~~structural alternatives such as slope drainage systems, vegetative growth stabilization,~~

1785 ~~gravel berms and beach nourishment, are not feasible or will not adequately protect a~~
1786 ~~legally established residence or substantial accessory structure, and~~

1787 ~~3. The proposed bulkhead is located landward of the ordinary high water mark~~
1788 ~~or it connects to adjacent, legally established bulkheads as in subsection B. above, and~~

1789 ~~4. The maximum height of the proposed bulkhead is no more than one foot~~
1790 ~~above the elevation of extreme high water on tidal waters as determined by the National~~
1791 ~~Ocean Survey published by the National Oceanic and Atmospheric Administration or~~
1792 ~~four feet in height on lakes;~~

1793 ~~D. Shoreline protection shall not be considered an outright permitted use and~~
1794 ~~shall be permitted only when it has been demonstrated that shoreline protection is~~
1795 ~~necessary for the protection of existing legally established structures and public~~
1796 ~~improvements or the preservation of important agricultural lands as designated by the~~
1797 ~~Office of Agriculture.))~~

1798 D. The maximum height of the proposed shoreline stabilization shall be no more
1799 than one foot above the elevation of extreme high water on tidal waters, as determined by
1800 the National Ocean Survey published by the National Oceanic and Atmospheric
1801 Administration, or four feet in height on lakes.

1802 E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater
1803 habitat, unless a geotechnical report demonstrates an imminent danger to a legally
1804 established structure or public improvement. If allowed, shoreline stabilization along
1805 feeder bluffs and critical saltwater habitat must be designed to have the least impact on
1806 these resources and on sediment conveyance systems.

1807 F. Shoreline ~~((protection))~~ stabilization shall ~~((not have))~~ minimize the adverse
1808 impact on the property of others to the maximum extent practical.

1809 ~~((F.))~~ G. Shoreline ~~((protection))~~ stabilization shall not be used to create new
1810 lands ~~((, except that groins may be used to create a public Class I beach if they comply~~
1811 ~~with all other conditions of this section))~~.

1812 ~~((G.))~~ H. Shoreline ~~((protection))~~ stabilization shall not ~~((significantly))~~ interfere
1813 with ~~((normal))~~ surface ~~((and/))~~ or subsurface drainage into the water body.

1814 ~~((H.))~~ I. Automobile bodies or other junk or waste material ~~((which))~~ that may
1815 release undesirable material shall not be used for shoreline ~~((protection))~~ stabilization.

1816 ~~((I.))~~ J. Shoreline ~~((protection))~~ stabilization shall be designed so as not to
1817 constitute a hazard to navigation and to not substantially interfere with visual access to
1818 the water.

1819 ~~((J.))~~ K. Shoreline ~~((protection))~~ stabilization shall be designed so as not to create
1820 a need for shoreline ~~((protection))~~ stabilization elsewhere.

1821 ~~((K. Bulkheads on Class I beaches shall be located no farther waterward than the~~
1822 ~~bluff or bank line;~~

1823 ~~L. Bulkheads must be approved by the Washington State Department of~~
1824 ~~Fisheries;~~

1825 ~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable~~
1826 ~~means to allow passage of surface and groundwater without internal erosion of fine~~
1827 ~~material;~~

1828 ~~N. Groins are permitted only as part of a professionally designed community or~~
1829 ~~public beach management program.))~~

1830 L. Shoreline stabilization shall comply with the Integrated Stream Protection
1831 Guidelines (Washington state departments of Fish and Wildlife, Ecology and
1832 Transportation, 2003) and shall be designed to allow for appropriate public access to the
1833 shoreline.

1834 M. The department shall provide a notice to an applicant for new development or
1835 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that
1836 the development may be impacted by sea level rise and recommend that the applicant
1837 voluntarily consider setting the development back further than required by this title to
1838 allow for future sea level rise.

1839 SECTION 42. K.C.C. 25.16.120, as amended by this ordinance, is hereby
1840 recodified as a new section in the new chapter established in section 16 of this ordinance.

1841 SECTION 43. Ordinance 3688, Section 409(4), as amended, and K.C.C.
1842 25.16.120 are each hereby amended to read as follows:

1843 Any dock, pier, moorage pile or buoy, float or launching facility authorized by
1844 ~~((K.C.C. 25.16.090 through 25.16.140))~~ this chapter shall be subject to the following
1845 conditions:

1846 A. ~~((No structure may be located nor extend further waterward of the ordinary~~
1847 ~~high water mark than one fourth the total distance from the shoreline associated with the~~
1848 ~~structure to the opposite shoreline. This total distance shall be measured from the point~~
1849 ~~where the authorized structure abuts the ordinary high water mark to the nearest opposite~~
1850 ~~high water mark as measured along a straight line; provided, when the structure does not~~
1851 ~~abut the ordinary high water mark, the distance from one ordinary high water mark to the~~
1852 ~~opposite ordinary high water mark shall be measured along the shortest straight line~~

1853 ~~passing through the center of that structure which commences from the property~~
1854 ~~associated with such a structure.))~~ Docks, piers, moorage piles or buoys, floats or
1855 launching facilities are allowed only for water dependent uses or for public access and
1856 shall be limited to the minimize size necessary to support the use. New private boat
1857 launch ramps are not allowed;

1858 B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on
1859 marine waters:

1860 1. must include an evaluation of the nearshore environment and the potential
1861 impact of the facility on that environment; and

1862 2. avoid impacts to critical saltwater habitats unless an alternative alignment or
1863 location is not feasible;

1864 C. In the High Intensity, Residential, Rural and Conservancy environments, the
1865 following standards apply:

1866 1. Only one dock, pier, moorage pile or buoy, float or launching facility may be
1867 allowed for a single detached residential lot and only if the applicant demonstrates there
1868 is no feasible practical alternative;

1869 2. For subdivisions or short subdivisions or for multi-unit dwelling unit
1870 development proposals:

1871 a. Only one joint use dock, pier, float or launching facility is allowed; and

1872 b. One moorage pile or buoy if a dock, pier, float or launching facility is
1873 allowed or two moorage piles or buoys if a dock, pier, float, or launching facility is not
1874 allowed;

1875 3. Only one dock, pier, moorage pile or buoy, float or launching facility is
 1876 allowed for each commercial or industrial use; and

1877 4. Multi-user recreational boating facilities serving more than four single
 1878 detached residences shall comply with Section 33 of this ordinance.

1879 D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or
 1880 launching facility for a commercial or manufacturing use must be located at least two
 1881 hundred fifty feet from another dock or pier;

1882 E. In the Resource and Forestry Shoreline environments, only one dock, pier,
 1883 moorage pile or buoy, float or launching facility is permitted and only as an accessory use
 1884 to a residential use or to support a resource or forestry use;

1885 F. In the Natural environment, a dock, pier, moorage pile or buoy, float or
 1886 launching facility is prohibited;

1887 G. In freshwater lakes:

1888 1. A new pier, dock or moorage pile for residential uses shall meet the following
 1889 requirements:

<u>New Pier, Dock or Moorage Piles</u>			<u>Dimensional and Design Standards</u>
a.	<u>Maximum Area: surface coverage, including all attached float decking, ramps,</u>	<u>(1)</u>	<u>480 square feet for single dwelling unit;</u>

	<u>ells and fingers</u>		
		(2)	<u>700 square feet for joint-use facility used by 2 dwelling units;</u>
		(3)	<u>1000 square feet for joint-use facility used by 3 or more dwelling units;</u>
		(4)	<u>These area limitations shall include platform lifts;</u>
		(5)	<u>150 square feet for float for a single dwelling unit; and</u>
		(6)	<u>Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.</u>
b.	<u>Maximum Length for piers, docks, ells, fingers and attached floats</u>	(1)	(A) <u>On Lake Washington and Lake Sammamish, 150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and</u>
			(B) <u>On all other freshwater lakes, the shorter of: 80 feet or the point where the water depth is 13 feet below ordinary high water</u>
		(2)	<u>26 feet for ells; and</u>
		(3)	<u>20 feet for fingers and float decking attached to a pier</u>

c.	<u>Maximum Width</u>	(1)	<u>4 feet for pier or dock walkway or ramp;</u>
		(2)	<u>6 feet for ells;</u>
		(3)	<u>2 feet for fingers;</u>
		(4)	<u>6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and</u>
		(5)	<u>For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.</u>
d.	<u>Height of piers and diving boards</u>	(1)	<u>Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier;</u>
		(2)	<u>Maximum of 3 feet above deck surface for diving boards or similar features;</u>
		(3)	<u>Maximum of 3 feet above deck for safety railing, which shall be an open framework.</u>
e.	<u>Minimum Water Depth for ells and float decking attached to a pier</u>	(1)	<u>Must be in water with depths of 10 feet or greater at the landward end of the float</u>
		(2)	<u>Must be in water with depths of 9 feet or greater at the landward end of the ell or finger</u>
f.	<u>Decking for piers,</u>	(1)	<u>If float tubs for docks preclude use of fully grated decking</u>

	<u>docks walkways, platform lifts, ells and fingers</u>		<u>material, then a minimum of 2 feet of grating down the center of the entire float shall be provided</u>
		(2)	<u>Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material</u>
g.	<u>Location of ells, fingers and deck platforms</u>	(1)	<u>Within 30 feet of the OHWM, only the pier walkway or ramp is allowed</u>
		(2)	<u>No closer than 30 feet waterward of the OHWM, measured perpendicular to the OHWM</u>
h.	<u>Pilings and Moorage Piles</u>	(1)	<u>Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.</u>
		(2)	<u>First set of pilings or moorage piles located no closer than 18 feet from OHWM</u>
		(3)	<u>Moorage piles shall not be any farther waterward than the end of the pier or dock</u>
i.	<u>Mitigation</u>		<u>Plantings or other mitigation as provided in subsection L. of this section.</u>

1890 2. On Lake Washington and Lake Sammamish, the department may approve the
 1891 following modifications to a new pier proposal that deviates from the dimensional
 1892 standards of subsection G.1. of this section if both the U.S. Army Corps of Engineers and

1893 Washington state Department of Fish and Wildlife have approved an alternate project
 1894 design. In addition, the following requirements and all other applicable provisions in this
 1895 chapter shall be met:

	<u>Administrative Approval for Alternative Design of New Pier or Dock</u>	<u>Requirements</u>	
a.	<u>State and Federal Agency Approval</u>	<u>U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved proposal</u>	
b.	<u>Maximum Area</u>	<u>No larger than authorized through state and federal approval</u>	
c.	<u>Maximum Width</u>	(1)	<u>Except as provided in c.ii. of this subsection, the pier and all components shall meet the standards noted in subsection G.1. of this section.</u>
		(2)	<u>4 feet for portion of pier or dock located within 30 feet of the OHWM; and 6 feet for walkways</u>
d.	<u>Minimum Water Depth</u>	<u>No shallower than authorized through state and federal approval</u>	

1896 3.a. A replacement of an existing pier or dock shall meet the following
 1897 requirements:

	<u>Replacement of Existing Pier or Dock</u>	<u>Requirements</u>	
(1)	<u>Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)</u>	<u>Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.</u>	
(2)	<u>Mitigation</u>	(a)	<u>Existing skirting shall be removed and may not be replaced.</u>
		(b)	<u>Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.</u>

1898 b. On Lake Washington and Lake Sammamish, the department may approve the
1899 following modifications to a pier replacement proposal that deviates from the
1900 dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of
1901 Engineers and Washington state Department of Fish and Wildlife have approved an
1902 alternate project design. With submittal of a building permit, the applicant shall provide
1903 documentation that the U.S. Army Corps of Engineers, and the Washington state
1904 Department of Fish and Wildlife have approved the alternative proposal design. In

1905 addition, the following requirements and all other applicable provisions in this chapter
 1906 shall be met;

<u>Administrative Approval for Alternative Design of Replacement Pier or Dock</u>		<u>Requirements</u>
<u>(1)</u>	<u>State and Federal Agency Approval</u>	<u>U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal</u>
<u>(2)</u>	<u>Maximum Area</u>	<u>No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater</u>
<u>(3)</u>	<u>Maximum Length</u>	<u>26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</u>
<u>(4)</u>	<u>Maximum Width</u>	<u>(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways</u>
		<u>(b) 8 feet for ells and float decking attached to a pier</u>
		<u>(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide</u>

		(d) <u>Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</u>
(5)	<u>Minimum Water Depth</u>	<u>No shallower than authorized through state and federal approval</u>

1907 4. Proposals involving the addition to or enlargement of existing piers or docks
 1908 must comply with the requirements in the following table. These provisions shall not be
 1909 used in combination with the provisions for new or replacement piers in subsections G.1.
 1910 or G.3. of this section.

	<u>Addition to Existing Pier or Dock</u>	<u>Requirements</u>	
a.	<u>Addition or enlargement</u>	(1).	<u>Must demonstrate that there are no alternatives with less impact on the shoreline; and</u>
		(2)	<u>Must demonstrate that there is a need for the enlargement of an existing pier or dock and that there are no alternatives with less impact on the shoreline</u> <u>Examples of need include, but are not limited to safety concerns or inadequate depth of water</u>
b.	<u>Dimensional standards</u>	<u>Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in subsection G.1. of this section.</u>	

c.	<u>Decking for piers, docks walkways, ells and fingers</u>	<u>Must convert an area of decking within 30 feet of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of fifty percent light transmittance through the material</u>	
d.	<u>Mitigation</u>	(1)	<u>Existing skirting shall be removed and may not be replaced</u>
		(2)	<u>Existing in-water and overwater structures located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures or pier or dock walkways or piers, shall be removed at a 1:1 ratio to the area of the addition</u>

1911 5.a. Repair proposals that replace only decking or decking substructure and less
 1912 than fifty percent of the existing pier-support piles must comply with the following
 1913 regulations:

<u>Minor Repair of Existing Pier or Dock</u>		<u>Requirements</u>	
(1)	<u>Replacement pilings or moorage piles</u>	(a)	<u>Must use materials as described under subsection G.1.h.iii. of this section</u>
		(b)	<u>Must minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific</u>

		<u>engineering or design considerations</u>
(2)	<u>Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure</u>	<u>Must replace any solid decking surface of the pier or dock located within 30 feet of the OHWM with a grated surface material that allows a minimum of fifty percent light transmittance through the material</u>

1914 b. Other repairs to existing legally established moorage facilities where the
 1915 nature of the repair is not described in this subsection shall be considered minor repairs
 1916 and are permitted, consistent with all other applicable codes and regulations. If
 1917 cumulative repairs of an existing pier or dock would make a proposed repair exceed the
 1918 threshold for a replacement pier established in subsection G.3. of this section, the repair
 1919 proposal shall be reviewed under subsection G.1. of this section for a new pier or dock,
 1920 except as described in subsection G.3.b. of this section for administrative approval of
 1921 alternative design.

1922 H. Boatlifts, personal watercraft lifts, boatlift canopies and moorage piles may be
 1923 permitted as an accessory to piers and docks, subject to the following regulations:

	<u>Boatlift, Personal Watercraft Lift, Boat Canopy and Moorage Piles</u>	<u>Requirements</u>
1.	<u>Location</u>	<u>a. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM</u>
		<u>b. Boat lifts are not permitted within the Maury Island</u>

			<u>Environmental Aquatic Reserve</u>
		<u>c.</u>	<u>The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be a least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier</u>
		<u>d.</u>	<u>Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock</u>
<u>2.</u>	<u>Maximum Number</u>	<u>a.</u>	<u>1 free-standing or deck-mounted boatlift per dwelling unit</u>
		<u>b.</u>	<u>1 personal watercraft lift or 1 fully grated platform lift per dwelling unit</u>
		<u>c.</u>	<u>1 boatlift canopy per dwelling unit, including joint use piers</u>
<u>3.</u>	<u>Canopy Materials</u>	<u>a.</u>	<u>Must be made of translucent fabric materials.</u>
		<u>b.</u>	<u>Must not be constructed of permanent structural material.</u>
<u>4.</u>	<u>Fill for Boatlift</u>	<u>a.</u>	<u>Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:</u>
		<u>b.</u>	<u>May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate</u>
		<u>c.</u>	<u>Must be clean</u>
		<u>d.</u>	<u>Must consist of rock or pre-cast concrete blocks</u>
		<u>e.</u>	<u>Must only be used to anchor the boatlift</u>
		<u>f.</u>	<u>Minimum amount of fill is used to anchor the boatlift</u>

1924

I. Moorage buoys shall meet the following conditions:

- 1925 1. Buoys shall not impede navigation;
- 1926 2. The use of buoys for moorage of recreational and commercial vessels is
- 1927 preferred over pilings or float structures;
- 1928 3. Buoys shall be located and managed in a manner that minimizes impacts to
- 1929 eelgrass and other aquatic vegetation;
- 1930 4. Preference should be given mid-line float or all-rope line systems that have
- 1931 the least impact on marine vegetation;
- 1932 5. New buoys that would result in a closure of local shellfish beds for future
- 1933 harvest shall be prohibited; and
- 1934 6. No more than four buoys per acre are allowed.
- 1935 J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other
- 1936 overwater structure or device shall meet the following setback requirements:
- 1937 a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use
- 1938 shall comply with the following location standards:

<u>New Pier, Dock, Boatlift and</u>		<u>Minimum Setback Standards</u>
<u>Moorage Pile or Buoy</u>		
<u>(1)</u>	<u>Side property lines</u>	<u>15 feet</u>
<u>(2)</u>	<u>Another moorage structure not on the subject property, excluding adjacent moorage structure that does not comply with required side property line</u>	<u>25 feet, except that this standard shall not apply to moorage piles</u>

	<u>setback</u>	
(3)	<u>Outlet of an aquatic area, including piped streams</u>	<u>Maximum distance feasible while meeting other required setback standards established under this section</u>
(4)	<u>Public park</u>	<u>Outside of the urban growth area, 25 feet</u>

1939 b. Joint-use structures may abut property lines when the property owners
 1940 sharing the moorage facility have mutually agreed to the structure location in a contract
 1941 recorded with the King County division of records and elections to run with the
 1942 properties. A copy of the contract must accompany an application for a building permit
 1943 or a shoreline permit.

1944 2. An overwater structure may abut property lines for the common use of
 1945 adjacent property owners

1946 K. On marine shorelines, a new, repaired, or replaced pier, dock or float for
 1947 residential uses shall meet the following requirements:

<u>Pier, Dock or Float on Marine Waters</u>			<u>Dimensional and Design Standards</u>
<u>1.</u>	<u>Maximum Area: surface coverage, including all attached float decking and</u>	<u>a.</u>	<u>480 square feet for single dwelling unit;</u>

	<u>ramps</u>		
		<u>b.</u>	<u>700 square feet for joint-use facility used by 2 dwelling units;</u>
		<u>c.</u>	<u>1000 square feet for joint-use facility used by 3 or more dwelling units;</u>
		<u>d.</u>	<u>These area limitations shall include platform lifts; and</u>
		<u>e.</u>	<u>240 square feet for float for a single dwelling unit.</u>
<u>2.</u>	<u>Maximum Width</u>	<u>a.</u>	<u>4 feet for pier or dock for single dwelling unit;</u>
		<u>b.</u>	<u>6 feet for pier or dock for joint use facility; and</u>
		<u>c.</u>	<u>4 feet for ramp connecting to a pier or float</u>
<u>3.</u>	<u>Floats</u>	<u>a.</u>	<u>For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float;</u>
		<u>b.</u>	<u>For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float;</u>
		<u>c.</u>	<u>To the maximum extent practical, floats must be installed with the length in the north-south direction;</u>
		<u>d.</u>	<u>If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location;</u>

		e.	<u>Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubs not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris;</u>
		f.	<u>Flotation components shall be installed under the solid portions of the float, not under the grating; and</u>
		g.	<u>If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length.</u>
4.	<u>Float stops</u>	a.	<u>To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations;</u>
		b.	<u>If float stops attached to pilings are not feasible (this must be explained in the application), then up to four 10 inch diameter stub pilings can be installed instead;</u>
		c.	<u>Float feet attached to the float may be considered an option only under these circumstances: (A) in coarse substrate with</u>

			<p><u>25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (B) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate;</u></p>
		d.	<p><u>For repair or replacement of existing float feet if: (A) substrate contains mostly gravel; and (B) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and</u></p>
		e.	<p><u>Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers or float support/stub pilings as follows: (A) For a single-use float, a maximum of 4 piling (not including stub piling) or helical screw or "duckbill" anchors can be installed to hold the float in place. (B) For a joint-use float, a maximum of 8 piling or helical screw or "duckbill" anchors can be installed to hold the float in place. (C) If anchors and anchor lines need to be used, the anchor lines shall not rest on the substrate at any time. (D) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the</u></p>

			<u>department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted.</u>
5.	<u>Decking for piers, docks walkways, platform lifts, ells and fingers</u>	a.	<u>Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, boards or furniture;</u>
		b.	<u>Grating shall be kept clean of algae, mud or other debris that may impede light transmission;</u>
		c.	<u>Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material;</u>
		d.	<u>Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration;</u>
		e.	<u>Overwater structures shall incorporate as much functional grating as possible. Grating needs to have a minimum of 60 % open area; and</u>
		f.	<u>The area of floating boat lifts to be moored at the overwater structure shall be included in the float grating calculations.</u>
6.	<u>Pier or dock</u>		<u>Only straight line piers or docks are allowed. Ells, fingers or "T"</u>

	<u>configuration</u>	<u>shaped docks and piers are not allowed.</u>	
7.	<u>Pilings and Moorage Piles</u>	a.	<u>Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds;</u>
		b.	<u>Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood. Any piling subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations;</u>
		c.	<u>New piling associated with a new pier must be spaced at least 20 feet apart lengthwise along the structure, unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas shall be spaced at least 40 feet apart;</u>
		d.	<u>If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2-feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material. Hydraulic water jets cannot be used to remove piling;</u>

		e.	<u>A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats; and</u>
		f.	<u>Dolphins are not permitted.</u>
8.	<u>Mitigation</u>		<u>Plantings or other mitigation as provided in subsection L. of this section.</u>

1948 L. New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat
1949 canopies and moorage piles or buoys shall comply with the following:
1950 1. Existing habitat features, such as large and small woody debris and substrate
1951 material, shall be retained and new or expanded moorage facilities placed to avoid
1952 disturbance of such features;
1953 2. Invasive weeds, such as milfoil, may be removed as provided in K.C.C.
1954 chapter 21A.24;
1955 3. In order to mitigate the impacts of new or expanded moorage facilities, the
1956 applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a
1957 minimum of ten feet wide along the entire length of the lot immediately landward of
1958 ordinary high water mark. Planting shall consist of native shrubs and trees and, when
1959 possible, emergent vegetation. At least five native trees will be included in a planting
1960 plan containing one or more evergreen trees and two or more trees that like wet roots,
1961 such as willow species. Such planting shall be monitored for a period of five years
1962 consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24.
1963 This subsection is not intended to prevent reasonable access through the shoreline critical
1964 area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

1965 ~~((B. No))~~ M. Except as otherwise provided for covered boat lifts under
1966 subsection H. of this section, covered docks or piers, covered moorages, covered floats,
1967 ~~((or))~~ and other covered structures ~~((is))~~ are not permitted waterward of the ordinary high
1968 water mark; and ~~((, except that submerged, free standing mechanical boat lifts associated~~
1969 ~~with single family residential piers and recreational watercraft may be covered with a~~
1970 ~~canopy, provided:~~

- 1971 1. ~~No canopy shall be more than 25 feet in length or wider than 15 feet;~~
- 1972 2. ~~No portion of the canopy shall exceed a height of 10 feet above the Ordinary~~
1973 ~~High Water Line (OHWL);~~
- 1974 3. ~~The canopy shall at no time have any side partly or wholly enclosed;~~
- 1975 4. ~~The highest portion of the canopy shall be located below the topographical~~
1976 ~~grade of existing homes on surrounding properties;~~
- 1977 5. ~~Canopies shall be made out of canvas or other such non-toxics;~~
- 1978 6. ~~Canopies shall be of a solid color and should be of a shade which is non-~~
1979 ~~obtrusive;~~
- 1980 7. ~~The canopy shall be included in the square footage calculations for piers, as~~
1981 ~~enumerated in K.C.C. 25.16.140E; and~~
- 1982 8. ~~Only one boat lift canopy per single family residence shall be allowed.~~

1983 C. ~~No pier, moorage, float, or overwater structure or device shall be located~~
1984 ~~closer than fifteen feet from the side property line extended, except that such structures~~
1985 ~~may abut property lines for the common use of adjacent property owners when mutually~~
1986 ~~agreed to by the property owners in a contract recorded with the King County division of~~
1987 ~~records and elections, a copy of which must accompany an application for a building~~

1988 ~~permit or a shoreline permit; such joint use piers may be permitted up to twice the surface~~
1989 ~~area allowed by this title.~~

1990 ~~D. All piers, moorages, floats or other such structures shall float at all times on~~
1991 ~~the surface of the water or shall be of open pile construction, provided no portion of the~~
1992 ~~structure shall, during the course of the normal fluctuations of the elevation of the water~~
1993 ~~body, protrude more than five feet above the surface of the water, except as provided in~~
1994 ~~subsection B2.~~

1995 ~~E. No pier, including finger pier, moorage, float, or overwater structure or device~~
1996 ~~shall be wider than fifty percent of the lot with which it is associated.~~

1997 ~~F.)) N. No dwelling unit may be constructed on a dock or pier. A water related
1998 or water enjoyment use may be allowed on a dock, pier or other over-water structure only
1999 as part of a mixed-use development and only if accessory to and in support of a water-
2000 dependent use.~~

2001 SECTION 44. K.C.C. 25.16.190, as amended by this ordinance, is hereby
2002 recodified as a new section in the new chapter established in section 16 of this ordinance.

2003 SECTION 45. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190,
2004 are each hereby amended to read as follows:

2005 Excavation, dredging, dredge material disposal and filling may be permitted ~~((in~~
2006 ~~the urban environment, only as part of an approved overall development plan not as an~~
2007 ~~independent activity, but only in accordance with the following)) only as follows:~~

2008 A. ~~((Any f))~~Fill or excavation ~~((regardless of size,))~~ landward of the ordinary
2009 high water mark shall be subject to ~~((the provisions of))~~ K.C.C. ~~((16.82.100))~~ chapters
2010 16.82 and 21A.24;

2011 B. (~~Landfill~~) Fill may be permitted below the ordinary high water mark only:

2012 1. (~~(w)~~) When necessary ((for the operation of)) to support a water dependent

2013 (~~(or water related)) use((, or))~~;

2014 2. To provide for public access;

2015 3. (~~(w)~~) When necessary to mitigate conditions ((which)) that endanger public

2016 safety, including flood risk reduction projects;

2017 4. To allow for cleanup and disposal of contaminated sediments as part of an

2018 interagency environmental cleanup plan;

2019 5. To allow for the disposal of dredged material considered suitable under, and

2020 conducted in accordance with, the dredged material management program of the

2021 Washington state Department of Natural Resources;

2022 6. For expansion or alteration of transportation or utility facilities currently

2023 located on the shoreline and then only upon demonstration that alternatives to fill are not

2024 feasible; or

2025 7. As part of mitigation actions, environmental restoration projects and habitat

2026 enhancement projects;

2027 C. (~~Landfill~~) Fill or excavations shall be permitted only when technical

2028 information demonstrates water circulation, littoral drift, aquatic life and water quality

2029 will not be substantially impaired and that the fill or excavation will not obstruct the flow

2030 of the ordinary high water, floodwaters or cutoff or isolate hydrologic features from each

2031 other;

2032 D. ~~((Wetlands such as marshes, swamps and bogs shall not be disturbed or~~
2033 ~~altered through excavation, filling, dredging or disposal of dredged material unless the~~
2034 ~~manager determines that either:~~

2035 1. ~~The wetland does not serve any of the valuable functions of wetlands~~
2036 ~~identified in K.C.C. 20.12.080 and United States Army Corps of Engineers 33 CFR~~
2037 ~~320.4(b), including but not limited to wildlife habitat and natural drainage functions; or~~

2038 2. ~~The proposed development would preserve or enhance the wildlife habitat,~~
2039 ~~natural drainage and other valuable functions of wetlands as discussed in K.C.C.~~
2040 ~~20.12.080 or United States Army Corps of Engineers 33 CFR 320.4(b) and would be~~
2041 ~~consistent with the purposes of this Title;~~

2042 E. ~~Class I beaches shall not be covered by landfill except for approved beach~~
2043 ~~feeding programs;~~

2044 F. ~~Excavations on beaches shall include precautions to prevent the migration of~~
2045 ~~fine grain sediments, disturbed by the excavation, onto adjacent beach areas and~~
2046 ~~excavations on beaches shall be backfilled promptly using material of similar~~
2047 ~~composition and similar or more coarse grain size;~~

2048 G. ~~No refuse disposal sites, solid waste disposal sites or sanitary fills of~~
2049 ~~putrescible or nonputrescible material shall be permitted within the shorelines of the~~
2050 ~~state;~~

2051 H. ~~Excavation or dredging))~~ Dredging and dredged material disposal below the
2052 ordinary high water mark shall be permitted only:

2053 1. When necessary for the operation of a water dependent ~~((or water related))~~
2054 use;

2055 2. When necessary to mitigate conditions ~~((which))~~ that endanger public safety
2056 or fisheries resources~~((; or))~~;

2057 3. As part of and necessary to roadside or agricultural ditch maintenance that is
2058 performed consistent with best management practices promulgated through
2059 administrative rules ~~((pursuant to))~~ under the ~~((sensitive))~~ critical areas provisions of
2060 K.C.C. chapter 21A.24 and if:

2061 a. the maintenance does not involve any expansion of the ditch beyond its
2062 previously excavated size. This limitation shall not restrict the county's ability to require
2063 mitigation, ~~((pursuant to))~~ under K.C.C. chapter 21A.24, or other applicable laws;

2064 b. the ditch was not constructed or created in violation of law;

2065 c. the maintenance is accomplished with the least amount of disturbance to the
2066 stream or ditch as possible;

2067 d. the maintenance occurs during the summer low flow period and is timed to
2068 avoid disturbance to the stream or ditch during periods critical to salmonids; and

2069 e. the maintenance complies with standards designed to protect salmonids and
2070 salmonid habitat, consistent with K.C.C. chapter 21A.24~~((; provided, that))~~, though this

2071 ~~((paragraph))~~ subsection D.3.e. shall not be construed to permit the mining or quarrying
2072 of any substance below the ordinary high water mark;

2073 4. For establishing, maintaining, expanding, relocating or reconfiguring
2074 navigation channels and basins when necessary to ensure safe and efficient
2075 accommodation of existing navigation uses when:

2076 a. significant ecological impacts are minimized;

2077 b. mitigation is provided;

2078 c. maintained to the existing authorized location, depth and width;
2079 5. For restoration projects when;
2080 a. the site where the fill is placed is located waterward of the ordinary high
2081 water mark; and
2082 b. the project is associated with a habitat project under the Model Toxics
2083 Control Act or the Comprehensive Environmental Response, Compensation, and
2084 Liability Act; or
2085 c. any habitat enhancement or restoration project; and
2086 6. For flood risk reduction projects conducted in accordance with Policy RCM-3
2087 of the King County Flood Hazard Management Plan;
2088 E. Dredging is not allowed waterward of the ordinary high water mark for the
2089 primary purpose of obtaining fill material or creating a new marina((-));
2090 ~~((F.))~~ F. Disposal of dredged material shall be done only in approved deep water
2091 disposal sites or approved ((contain)) upland disposal sites and is not allowed within
2092 wetlands or channel migration zones;
2093 ~~((G.))~~ G. Stockpiling of dredged material in or under water is prohibited; and
2094 ~~((K. Maintenance dredging not requiring a shoreline permit(s) shall conform to~~
2095 ~~the requirements of this section;~~
2096 ~~L. Dredging shall be timed so that it does not interfere with aquatic life;~~
2097 ~~M. The county may impose reasonable conditions on dredging or disposal~~
2098 ~~operations including but not limited to working seasons and provisions of buffer strips,~~
2099 ~~including retention or replacement of existing vegetation, dikes and settling basins to~~

2100 ~~protect the public safety and shore users' lawful interests from unnecessary adverse~~
2101 ~~impact;~~

2102 ~~N.))~~ H. In order to insure that operations involving dredged material disposal and
2103 maintenance dredging are consistent with ~~((this program))~~ the King County shoreline
2104 master program as required by RCW 90.58.140(1), no dredging may commence ~~((on))~~ in
2105 any shoreline environment without the responsible person having first obtained either a
2106 substantial development permit or a statement of exemption~~((, though no))~~ when required
2107 under K.C.C. 25.32.010, as recodified by this ordinance. A statement of exemption or
2108 shoreline permit is not required ~~((for))~~ before emergency dredging needed to protect
2109 property from imminent damage by the elements~~((;))~~, if statement of exemption or
2110 substantial development permit is subsequently obtained following the procedures in
2111 K.C.C. 16.82.065.

2112 ~~((O. Operation and maintenance of any existing system of ditches, canals or~~
2113 ~~drains, or construction of irrigation reservoirs, for agricultural purposes are exempt from~~
2114 ~~the shoreline permit requirement.))~~

2115 NEW SECTION. SECTION 46. There is hereby added a new section in the new
2116 chapter established in section 16 of this ordinance to read as follows:

2117 The expansion of a dwelling unit or residential accessory structure located in the
2118 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

2119 A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a
2120 shoreline conditional use permit is required;

2121 B. If the proposed expansion will result in a total cumulative expansion of the
2122 dwelling unit and accessory structures of more than one thousand square feet, a shoreline
2123 variance is required; and

2124 C. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,
2125 the expansion is not allowed.

2126 NEW SECTION. SECTION 47. A. The shoreline dimensions table in
2127 subsections B. and C. of this section establishes the shoreline standards within each of the
2128 shoreline environments. The shoreline environment is located on the vertical column and
2129 the density and dimensions standard is located on the horizontal row of the table. The
2130 table should be interpreted as follows:

2131 1. If the cell is blank in the box at the intersection of the column and the row,
2132 the standards are the same as for the underlying zoning.

2133 2. If the cell has a number in the box at the intersection of the column and the
2134 row, that number is the density or dimension standard for that shoreline environment.

2135 3. If the cell has a parenthetical number in the box at the intersection of the
2136 column and the row, that parenthetical number identifies specific conditions immediately
2137 following the table that are related to the density and dimension standard for that
2138 environment.

2139 B. The dimensions enumerated in this section apply within the shoreline
2140 jurisdiction. If there is a conflict between the dimension standards in this section and
2141 K.C.C. chapter 21A.12, the more restrictive shall apply.

2142 **Shoreline dimensions.**

	HIGH IN TE N S I T Y	RES IDE NTI AL	RURAL	CON SE RV AN CY	RES OU RCE	FOR EST RY	NA TUR AL	A Q U A T I C
Standards								
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres	
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet	
Impervious surface				10 % (3)				

2143 C. Development conditions.

2144 1. This height can be exceeded consistent with the base height for the zone only

2145 if the structure will not obstruct the view of a substantial number of residences on areas

2146 adjoining the shoreline or if overriding considerations of the public interest will be
2147 served, and only for:
2148 a. agricultural buildings;
2149 b. water dependent uses and water related uses; and
2150 c. regional light rail transit support structures, but no more than is reasonably
2151 necessary to address the engineering, operational, environmental issues at the location of
2152 the structure;

2153 2. The minimum lot areas may be reduced as follows:
2154 a. to no less than 10,000 square feet or the minimum lot areas for the zone,
2155 whichever is greater, through lot averaging; and
2156 b. when public access is provided, to no less than 8,000 square feet, or the
2157 minimum lot area for the zone, whichever is greater, through cluster development, as
2158 provided in K.C.C. chapter 21A.14.

2159 3. For lots created before the effective date of this section, if achieving the ten
2160 percent maximum impervious surface limit is not feasible, the amount of impervious
2161 surface shall be limited to the maximum extent practical but not to exceed the amount of
2162 impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040,

2163 SECTION 48. K.C.C. 25.16.150, as amended by this ordinance, is hereby
2164 recodified as a new section in the new chapter established in section 16 of this ordinance.

2165 SECTION 49. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150
2166 are each hereby amended to read as follows:

2167 A. Any existing lot that does not comply with the density and dimensions
2168 standards of K.C.C. chapter 21A.12 or section 47 of this ordinance and that is located

2169 wholly or partially within the (~~shorelines of the state~~) shoreline jurisdiction shall be
2170 subject to the following provisions:

2171 1. If the adjoining property is not under the same ownership as such lot, then the
2172 lot shall be considered a separate building site(~~(-)~~); and

2173 2. If the adjoining property is under the same ownership as such lot, then the lot
2174 shall not be considered a separate building site until the lot is combined with adjoining
2175 property under the same ownership in such a way as to comply with the density and
2176 dimensions standards of K.C.C. chapter 21A.12.

2177 B. Submerged land within the boundaries of any waterfront parcel shall not be
2178 used to compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar
2179 required conditions of land subdivision or development, except, where specifically
2180 authorized by ordinance, such lands may be used in area computations as an incentive to
2181 encourage common open space waterfront areas.

2182 C. All newly created lots wholly or partially within the shoreline shall be of
2183 uniform size and dimension, whenever possible.

2184 D. Subdivision of more than four lots shall provide an improved and maintained
2185 pedestrian easement to the shoreline that is of sufficient width to ensure usable access for
2186 all residents. Public access to the shoreline shall be in conformance with the standards in
2187 section 36 of this ordinance.

2188 E. Subdivisions should be designed to locate structures outside the shoreline
2189 jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction,
2190 the size and shape of the lots should allow for the construction of residential units that do
2191 not require shoreline stabilization.

2192 NEW SECTION. SECTION 50. Historic resources include historic buildings,
2193 sites, objects, districts and landscapes, prehistoric and historic archaeological resources
2194 and traditional cultural places. Development within shoreline environments shall protect
2195 historic resources as follows:

2196 A.1. Known historic resources are inventoried by the historic preservation
2197 program and are subject to the procedures in K.C.C. 20.62.150. As required by K.C.C.
2198 20.62.150, the department shall inform the historic preservation officer regarding the
2199 impacts of development proposals on inventoried resources. Disturbance of known
2200 archaeological sites is also subject to state regulations, including chapters 27.44, 27.53
2201 and 68.80 RCW.

2202 2. If a known archaeological site or traditional cultural place is affected by a
2203 development proposal, the historic preservation officer shall inform and consult with the
2204 Washington state Department of Archaeology and Historic Preservation and any
2205 concerned Native American tribes. To the extent feasible, the historic preservation
2206 officer shall coordinate county and state required permitting and compliance procedures
2207 and requirements to avoid substantial duplication of effort by permit applicants. The
2208 department shall require a site inspection or evaluation by a professional archaeologist in
2209 coordination with any concerned Native American tribes.

2210 3. In considering shoreline permits or shoreline exemptions with regard to
2211 known historic resources, the department may attach conditions to provide sufficient time
2212 for the Historic Preservation Officer to consult with the Washington State Department of
2213 Archaeology and Historic Preservation and any concerned Native American tribes, and to
2214 ensure that historic resources are properly protected, or for appropriate agencies to

2215 contact property owners regarding purchase or other long-term stewardship and
2216 protection arrangements. Provision for the protection and preservation of historic
2217 resources shall be incorporated in permits and exemptions to the maximum extent
2218 practical;

2219 B.1. Consistent with the definitions and requirements in chapters 27.44, 27.53
2220 and 68.80 RCW, and with the intent of K.C.C. chapter 20.62, whenever potentially
2221 significant historic resources, or archaeological artifacts, are discovered in the process of
2222 development on shorelines, work on that portion of the development site shall be stopped
2223 immediately and the find reported as soon as possible to the department.

2224 2. For inadvertent discoveries, the department shall notify the historic
2225 preservation officer. If an archaeological site or artifacts have been discovered, the
2226 department shall also notify the Washington state Department of Archaeology and
2227 Historic Preservation, any concerned Native American tribes and other appropriate
2228 agencies. The department shall require that a historic resource assessment be conducted
2229 immediately by a professional archaeologist, ethnographer or historic preservation
2230 professional, as applicable, in consultation with the historic preservation officer, to
2231 determine the significance of the discovery and the extent of damage that may have
2232 occurred to the resource. The historic resource assessment shall be distributed to the
2233 historic preservation officer, and, if an archaeological site, archaeological artifacts or a
2234 traditional cultural place have been discovered, the Washington state Department of
2235 Archaeology and Historic Preservation, and any concerned Native American tribes for a
2236 fifteen-day review period or, in the case of inadvertent discovery of human remains, a
2237 thirty-day review period to determine the significance of the discovery. If the historic

2238 resource has been determined not to be significant by the agencies or governments listed
2239 in this subsection B.2., or if those agencies or governments have failed to respond within
2240 the applicable review period following receipt of the historic resource assessment, the
2241 stopped work may resume; and

2242 3. Upon receipt of a positive determination of a resource's significance, or if
2243 available information suggests that a negative determination is erroneous, the department
2244 or the historic preservation officer may require that a historic resource management plan
2245 be prepared by a qualified professional archaeologist or other appropriate professional if
2246 such action is reasonable and necessary to implement related program objectives and is
2247 consistent with the intent of King County policies and codes protecting historic resources;

2248 C.1. If a private or publicly owned historic resource is identified, public access
2249 shall be encouraged as appropriate for purposes of public education, but only if:

2250 a. the type or level of public access is consistent with the long term protection
2251 of both historic resource values and shoreline ecological functions; and

2252 b. an access management plan is developed in accordance with development
2253 site- and resource-specific conditions in consultation with the historic preservation officer
2254 and, if an archaeological site, archaeological artifacts or a traditional cultural place have
2255 been discovered, the Washington state Department of Archaeology and Historic
2256 Preservation, any concerned Native American tribes or other agencies, as appropriate, to
2257 address physical protection of the resource, hours of operation, interpretive or directional
2258 signage, lighting, pedestrian access or traffic and parking, as appropriate.

2259 2. For archaeological sites and traditional cultural places, the historic
2260 preservation program, the Washington state Department of Archaeology and Historic

2261 Preservation, any concerned Native tribes or other agencies, as appropriate, shall approve
2262 public access measures before provision of public access to a site.

2263 NEW SECTION. SECTION 51. Parking facilities, except parking facilities
2264 associated with single detached dwelling units, shall meet the following standards:

2265 A. Parking areas serving a water-related, water-enjoyment or a non-water-
2266 oriented use must be located beneath or upland of the development that the parking area
2267 serves, except for utility facilities;

2268 B. The design of parking facilities must use low-impact designs, such as porous
2269 concrete and vegetated swales;

2270 C. Lighting shall be the minimum necessary and shall be shielded and directed
2271 away from the water and critical areas and critical area buffers; and

2272 D. In the Natural environment, parking areas shall be located at least two hundred
2273 feet from the ordinary high water mark.

2274 SECTION 52. K.C.C. 25.16.160, as amended by this ordinance, is hereby
2275 recodified as a new section in the new chapter established in section 16 of this ordinance.

2276 SECTION 53. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each
2277 hereby amended to read as follows:

2278 New ((~~U~~))utility facilities and repair and replacement of existing utility facilities
2279 may be permitted ((in the urban environment)) subject to the general requirements
2280 ((section (Section 25.16.030)) of this chapter, ((provided)) as follows:

2281 A. To the maximum extent practical, new ((~~U~~))utility and transmission facilities
2282 shall:

2283 1. Avoid disturbance of unique and fragile areas;

- 2284 2. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 2285 3. Overhead utility facilities shall not be permitted in public parks, monuments,
2286 scenic recreation or historic areas~~((-))~~;
- 2287 4. Avoid changing groundwater patterns and hyporheic flows that support
2288 streams and wetlands;
- 2289 5. Not be located within the Natural shoreline unless the utility is low-intensity;
2290 and
- 2291 6. Avoid locating new utility and transmission facilities in tidelands or in or
2292 adjacent to the Maury Island aquatic reserve;
- 2293 B. New ~~((U))~~ utility distribution and transmission facilities shall be designed ~~((se~~
2294 ~~as))~~ to:
- 2295 1. Be located outside the shoreline jurisdiction where feasible;
- 2296 2. Be located within existing rights of way and utility corridors where feasible;
- 2297 3. Minimize visual impact;
- 2298 ~~((2-))~~ 4. Harmonize with or enhance the surroundings;
- 2299 ~~((3-))~~ 5. Not create a need for shoreline protection; and
- 2300 ~~((4. Utilize))~~ 6. ~~((†))~~ To the ((greatest extent possible)) maximum extent practical,
2301 use natural screening((-));
- 2302 C. To the maximum extent practical, the construction, repair, replacement and
2303 maintenance of utility facilities shall ((be done in such a way so as to)):
- 2304 1. Maximize the preservation of natural beauty and the conservation of
2305 resources;
- 2306 2. Minimize scarring of the landscape;
-

- 2307 3. Minimize siltation and erosion;
- 2308 4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
- 2309 5. Avoid disruption of critical aquatic and wildlife stages((-);

2310 D. Rehabilitation of areas disturbed by the construction, ~~((and/))~~ repair,

2311 replacement or maintenance of utility facilities shall:

2312 1. Be accomplished as rapidly as possible to minimize soil erosion and to

2313 maintain plant and wildlife habitats; and

2314 2. ~~((Utilize))~~ Use plantings compatible with the native vegetation((-);

2315 E. Solid waste transfer stations shall ~~((not))~~ only be permitted within ~~((the~~

2316 ~~shorelines of the state))~~ the High Intensity shoreline environment; and

2317 F. Utility production and processing facilities, such as power plants and sewage

2318 treatment plants, are not allowed within the shoreline jurisdiction.

2319 SECTION 54. K.C.C. 25.16.080, as amended by this ordinance, is hereby

2320 recodified as a new section in the new chapter established in section 16 of this ordinance.

2321 SECTION 55. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each

2322 hereby amended to read as follows:

2323 Signs may be permitted ~~((in the urban environment))~~ subject to ~~((the provisions of~~

2324 ~~the underlying zoning, provided))~~ K.C.C. chapter 21A.20, but only as follows:

2325 A. ~~((No sign which is not constructed parallel to and flush against the side of a~~

2326 ~~building shall be permitted which is more than seventy two inches in height as measured~~

2327 ~~from the average grade level.~~

2328 ~~B. Signs painted upon or constructed parallel to and flush against the side of a~~
2329 ~~building shall not extend beyond the wall or above the roof line against which they are~~
2330 ~~constructed.~~

2331 ~~C. Signs shall be stationary, nonblinking and nonrevolving.~~

2332 ~~D. Signs shall have no auxiliary projections or attachments.~~

2333 ~~E. Signs shall not be erected nor maintained upon trees, or drawn or painted upon~~
2334 ~~rocks or other natural features.~~

2335 ~~F. Artificial lighting of signs shall be directed away from adjacent properties and~~
2336 ~~the water.~~

2337 ~~G.) Signs waterward of the ordinary high water mark shall be permitted only to~~
2338 ~~the extent necessary for the operation of a permitted overwater development ((provided~~
2339 ~~h)). No such a sign shall be larger than five square feet((-);~~

2340 B. In the Rural environment, signs may not exceed fifty square feet;

2341 C. In the Resource, Natural and Conservancy environments, signs are not
2342 allowed except for:

2343 1. Signs of not more than twenty-five square feet within public parks or trails;

2344 and

2345 2. Signs permitted under K.C.C. chapter 21A.20 for residential uses;

2346 D. Signs to protect public safety or prevent trespass may be allowed and should
2347 be limited in size and number to the maximum extent practical.

2348 NEW SECTION. SECTION 56. A. Transportation facilities, including, but not
2349 limited to, streets, alleys, highways, railroads and regional light rail transit may be
2350 located in all shoreline environments.

2351 B. Within street or alley rights-of-way, uses shall be limited to street purposes as
2352 defined by law.

2353 C. Within railroad and regional light rail transit rights-of-way, allowed uses shall
2354 be limited to: tracks, signals or other operating devices; movement of rolling stock;
2355 utility lines and equipment; and facilities accessory to and used directly for the delivery
2356 and distribution of services to abutting property.

2357 D. New transportation facilities shall, to the maximum extent practical:

- 2358 1. Be located outside of the shoreline jurisdiction;
- 2359 2. Avoid disturbance of unique and fragile areas;
- 2360 3. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 2361 4. Avoid changing groundwater patterns and hyporheic flows that support
2362 streams and wetlands;
- 2363 5. Not create a need for shoreline protection; and
- 2364 6. Use natural screening.

2365 SECTION 57. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a
2366 new section in the new chapter established in section 16 of this ordinance.

2367 SECTION 58. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each
2368 hereby amended to read as follows:

2369 A. ~~((No d))~~Development within the shoreline jurisdiction, including preferred
2370 uses and uses that are exempt from permit requirements, shall be undertaken ~~((by any~~
2371 ~~person on the shorelines of the state unless such))~~ only if that development is consistent
2372 with the ~~((policy))~~ policies of ~~((Section 2 of the Shoreline Management Act of 1971, and,~~
2373 ~~after adoption and approval, the guidelines and regulations of the Washington State~~

2374 ~~Department of Ecology and~~) RCW 90.58.020, chapter 173-26 WAC the King County
2375 shoreline master program and will not result in a net loss of shoreline ecological
2376 functions or in a significant adverse impact to shoreline uses, resources and values, such
2377 as navigation, recreation and public access. The proponent of a shoreline development
2378 shall employ measures to mitigate adverse impacts on shoreline functions and processes
2379 following the sequencing requirements of section 129 of this ordinance.

2380 B. ~~((No))~~ A substantial development permit shall be ~~((undertaken by any person~~
2381 ~~on the shorelines of the state without first obtaining a substantial development permit~~
2382 ~~from the director; provided, that such a permit shall not be required for the development~~
2383 ~~excepted))~~ required for all proposed uses and modifications within the shoreline
2384 jurisdiction unless the proposal is specifically exempt from the definition of substantial
2385 development in RCW 90.58.030 ~~((and for developments))~~ and WAC 173-27-040 or is
2386 exempted by RCW 90.58.140((9) and (10)). ~~((C. Any person claiming exception from~~
2387 ~~the permit requirements of this chapter as a result of the exemptions described in~~
2388 ~~subsection B. of this section may make an application to the director for such an~~
2389 ~~exemption in the manner prescribed by the director. Development within the shorelines~~
2390 ~~of the state which does not require a permit shall conform to the master program.~~
2391 ~~Conditions requiring such conformance may be imposed prior to granting exemption~~
2392 ~~from the permit requirement.))~~ If a proposal is exempt from the definition of substantial
2393 development, a written statement of exemption is required for any proposed uses and
2394 modifications if:

2395 1. WAC 173-27-050 applies; or

2396 2. Except for the maintenance of agricultural drainage that is not used by
2397 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
2398 modification will occur at or below the ordinary high water mark.

2399 C. Whether or not a written statement of exemption is required, all permits issued
2400 for development activities within the shoreline jurisdiction shall include a record of
2401 review indicating compliance with the shoreline master program and regulations.

2402 D. As necessary to ensure consistency of the project with the shoreline master
2403 program and this chapter, the department may attach conditions of approval to a
2404 substantial development permit or a statement of exemption or to the approval of a
2405 development proposal that does not require either.

2406 E. The department may issue a programmatic statement of exemption as follows:

2407 1. For an activity for which a statement of exemption is required, the activity
2408 shall:

2409 a. be repetitive and part of a maintenance program or other similar program;

2410 b. have the same or similar identifiable impacts, as determined by the
2411 department, each time the activity is repeated at all sites covered by the programmatic
2412 statement of exemption; and

2413 c. be suitable to having standard conditions that will apply to any and all sites;

2414 2. The department shall uniformly apply conditions to each activity authorized
2415 under the programmatic statement of exemption at all locations covered by the statement
2416 of exemption. The department may require that the applicant develop and propose the
2417 uniformly applicable conditions as part of the statement of exemption application and
2418 may approve, modify or reject any of the applicant's proposed conditions. The

2419 department shall not issue a programmatic statement of exemption until applicable
2420 conditions are developed and approved;

2421 3. Activities authorized under a programmatic statement of exemption shall be
2422 subject to inspection by the department. The applicant may be required to notify the
2423 department each time work subject to the programmatic statement of exemption is
2424 undertaken for the department to schedule inspections. In addition, the department may
2425 require the applicant to submit periodic status reports. The frequency, method and
2426 contents of the notifications and reports shall be specified as conditions in the
2427 programmatic statement of exemption;

2428 4. The department may require revisions, impose new conditions or otherwise
2429 modify the programmatic statement of exemption or withdraw the programmatic
2430 statement of exemption and require that the applicant apply for a standard statement of
2431 exemption, if the department determines that:

2432 a. The programmatic statement of exemption or activities authorized under the
2433 statement of exemption no longer comply with law;

2434 b. The programmatic statement of exemption does not provide adequate
2435 regulation of the activity;

2436 c. The programmatic statement of exemption conditions or the manner in
2437 which the conditions are implemented are not adequate to protect against the impacts
2438 resulting from the activity; or

2439 d. A site requires site-specific regulation; and

2440 5. If an activity covered by a programmatic statement of exemption also
2441 requires other county, state and federal approvals, to the extent feasible, the department

2442 shall attempt to incorporate conditions that comply with those other approvals into the
2443 programmatic statement of exemption.

2444 F. A statement of exemption is not required for maintenance of agricultural
2445 drainage used by salmonids if:

2446 1. The agricultural drainage is located within an agricultural production district;

2447 2. The maintenance project is conducted in compliance with a hydraulic project
2448 approval issued by the Washington department of fish and wildlife pursuant to RCW
2449 77.55;

2450 3. The maintenance project complies with the King County agricultural drainage
2451 assistance program as agreed to by the Washington department of fish and wildlife, the
2452 Washington department of ecology, the department of development and environmental
2453 services and the department of natural resources and parks;

2454 4. The person performing the agricultural drainage maintenance and the land
2455 owner has attended training provided by King County on the King County agricultural
2456 drainage assistance program and the best management practices required under that
2457 program; and

2458 5. The maintenance project complies with the requirements of K.C.C. Chapter
2459 16.82.

2460 SECTION 59. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a
2461 new section in the new chapter established in section 16 of this ordinance.

2462 SECTION 60. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each
2463 hereby amended to read as follows:

2464 In the case of development subject to the permit requirements of this ~~((title))~~
2465 chapter, King County shall not issue any other permit for such development until such
2466 time as approval has been granted ~~((pursuant to))~~ under this ~~((title))~~ chapter. Any
2467 development subsequently authorized by King County shall be subject to the same terms
2468 and conditions ~~((which))~~ that apply to the development authorized ~~((pursuant to))~~ under
2469 this ~~((title))~~ chapter.

2470 SECTION 61. K.C.C. 25.32.060, as amended by this ordinance, is recodified as a
2471 new section in the new chapter established in section 16 of this ordinance.

2472 SECTION 62. Ordinance 3688, Section 806, as amended, and K.C.C. 25.32.060
2473 are each hereby amended to read as follows:

2474 ~~((A. Applications for substantial development or building permits to modify a
2475 nonconforming use or development may be approved only if:~~

2476 1. ~~The modifications will make the use or development less nonconforming; or~~

2477 2. ~~The modifications will not make the use or development more~~

2478 ~~nonconforming.~~

2479 ~~B. A use or development, not conforming to existing regulations, which is
2480 destroyed, deteriorated, or damaged more than fifty percent of its fair market value at
2481 present or at the time of its destruction by fire, explosion, or other casualty or act of God,
2482 may be reconstructed only insofar as it is consistent with existing regulations.~~

2483 ~~E.))~~ The review of applications for the ~~((modification))~~ expansion or replacement
2484 of a nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~
2485 in accordance with K.C.C. chapter 21A.32 ~~((General Provisions-Noneconformance,
2486 Temporary Uses, and Re-Use of Facilities))~~.

2487 SECTION 63. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a
2488 new section in the new chapter established in section 16 of this ordinance.

2489 SECTION 64. Ordinance 3688, Section 810, as amended, and K.C.C. 25.32.100
2490 are each hereby amended to read as follows:

2491 A. Appeals from the final decision of the county with regard to shoreline
2492 management shall be governed solely by ~~((the provisions of))~~ RCW 90.58.180.

2493 B. The effective date of King County's decision shall be the date of filing with
2494 the Department of Ecology as defined in RCW 90.58.140.

2495 C. When a hearing and decision has occurred ~~((pursuant to Section))~~ under
2496 K.C.C. 25.32.080, as recodified by this ordinance, and the examiner's recommendation
2497 with regard to disposition of a proposed development ~~((pursuant to))~~ under K.C.C. Titles
2498 20 and 21A ~~((of this code))~~ requires King County council action, the final decision of the
2499 county ~~((pursuant to this title))~~ shall be effective on the date of filing as defined in RCW
2500 90.58.140 for the purposes of appeal as provided in RCW ~~((90.50.140))~~ 90.58.140.

2501 However, ~~((no))~~ development may not occur until the King County council has taken
2502 final action on the examiner's recommendation required by K.C.C. Titles 20 and~~((or))~~
2503 21A ~~((of this code))~~.

2504 SECTION 65. K.C.C. 25.08.090, as amended by this ordinance, is recodified as a
2505 new section in K.C.C. chapter 21A.06.

2506 SECTION 66. Ordinance 3688, Section 208, and K.C.C. 25.08.090 are each
2507 hereby amended to read as follows:

2508 (~~(=)~~)Breakwater(~~("means")~~): an off-shore structure either floating or not (~~(which)~~)
2509 that may or may not be connected to the shore, such structure being designated to absorb
2510 (~~(and)~~)or reflect back into the water body the energy of the waves.

2511 SECTION 67. K.C.C. 25.08.100, as amended by this ordinance, is recodified as a
2512 new section in K.C.C. chapter 21A.06.

2513 SECTION 68. Ordinance 3688, Section 209, and K.C.C. 25.08.100 are each
2514 hereby amended to read as follows:

2515 (~~(=)~~)Bulkhead(~~("means")~~): a solid or open pile wall of rock, concrete, steel or
2516 timber or other materials or a combination of these materials erected generally parallel to
2517 and near the ordinary high water mark for the purpose of protecting (~~(adjacent wetlands~~
2518 ~~and)~~) uplands from waves or currents.

2519 SECTION 69. K.C.C. 25.08.175, as amended by this ordinance, is hereby
2520 recodified as a new section in K.C.C. chapter 21A.06.

2521 SECTION 70. Ordinance 5734, Section 1, and K.C.C. 25.08.175 are each hereby
2522 amended to read as follows:

2523 (~~(=)~~)Dredging(~~("is")~~): the removal, displacement, (~~(and)~~)or disposal of
2524 unconsolidated earth material such as sand, silt, gravel(~~(;)~~) or other (~~(submerged)~~)
2525 materials, from (~~(the bottom of)~~) water bodies, ditches(~~(;)~~) or natural wetlands(~~(;)~~),
2526 whether during submerged conditions or dry conditions. Dredging includes maintenance
2527 dredging and(~~(or)~~) support activities (~~(are included in this definition)~~).

2528 SECTION 71. K.C.C. 25.08.190, as amended by this ordinance, is hereby
2529 recodified as a new section in K.C.C. chapter 21A.06.

2530 SECTION 72. Ordinance 3688, Section 218, and K.C.C. 25.08.190 are each
2531 hereby amended to read as follows:

2532 (~~"~~)Environment(~~" or "master program environment" or "shoreline environment"~~
2533 ~~means~~), shoreline: the categories of shorelines (~~(of the state)~~) and shorelands established
2534 by the King County shoreline (~~(management)~~) master program to differentiate between
2535 areas whose features imply differing objectives regarding their use and future
2536 development.

2537 SECTION 73. K.C.C. 25.08.210, as amended by this ordinance, is hereby
2538 recodified as a new section in K.C.C. chapter 21A.06.

2539 SECTION 74. Ordinance 3688, Section 220, and K.C.C. 25.08.210 are each
2540 hereby amended to read as follows:

2541 (~~"~~)Float(~~" means~~): a structure or device (~~(which)~~) that is not a breakwater and
2542 (~~(which)~~) that is moored, anchored(~~(,)~~) or otherwise secured in the waters of King County
2543 and (~~(which)~~) is not connected to the shoreline.

2544 SECTION 75. K.C.C. 25.08.230, as amended by this ordinance, is hereby
2545 recodified as a new section in K.C.C. chapter 21A.06.

2546 SECTION 76. Ordinance 3688, Section 222, and K.C.C. 25.08.230 are each
2547 hereby amended to read as follows:

2548 (~~"~~)Groin(~~" means~~): a barrier type structure extending from the backshore into
2549 the water across the beach. The purpose of a groin is to interrupt sediment movement
2550 along the shore.

2551 SECTION 77. K.C.C. 25.08.250, as amended by this ordinance, is hereby
2552 recodified as a new section in K.C.C. chapter 21A.06.

2553 SECTION 78. Ordinance 3688, Section 224, and K.C.C. 25.08.250 are each
2554 hereby amended to read as follows:

2555 ~~(())~~Jetty~~(("means a"))~~: an artificial barrier used to change the natural littoral drift
2556 to protect inlet entrances from clogging by excess sediment.

2557 SECTION 79. K.C.C. 25.08.290, as amended by this ordinance, is hereby
2558 recodified as a new section in K.C.C. chapter 21A.06.

2559 SECTION 80. Ordinance 3688, Section 228, and K.C.C. 25.08.290 are each
2560 hereby amended to read as follows:

2561 ~~(())~~Master program~~(("means"))~~, shoreline: the comprehensive shoreline use plan
2562 for King County consisting of:

2563 A. The ~~((use regulations and procedures contained in this title; and))~~ King
2564 County shoreline management goals and policies, set forth in King County
2565 Comprehensive Plan Chapter 5, that guide environmental designations, shoreline
2566 protection, shoreline use and shoreline modifications; and

2567 B. The ~~((goals, objectives and policies of the King County shoreline management~~
2568 ~~master program which are contained in a separate document and adopted by ordinance.))~~
2569 development regulations identified in section 4 of this ordinance.

2570 NEW SECTION. SECTION 81. There is hereby added to K.C.C. chapter
2571 21A.06 a new section to read as follows:

2572 Navigability or navigable: the capability of susceptibility of a body of water of
2573 having been or being used for the transport of useful commerce. The state of Washington
2574 considers all bodies of water meandered by government surveyors as navigable unless
2575 otherwise declared by a court.

2576 NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter
2577 21A.06 a new section to read as follows:

2578 Nearshore: the area beginning at the crest of coastal bluffs and extending seaward
2579 through the marine photics zone, and to the head of tide in coastal rivers and streams.
2580 Nearshore includes estuaries.

2581 SECTION 83. K.C.C. 25.08.370, as amended by this ordinance, is hereby
2582 recodified as a new section in K.C.C. chapter 21A.06.

2583 SECTION 84. Ordinance 3688, Section 234, and K.C.C. 25.08.370 are each
2584 hereby amended to read as follows:

2585 ~~((")Pier((") or ((")dock(("means))):~~ a structure built in or over, or floating upon,
2586 the water extending from the shore, ~~((which))~~ that may be used as a landing place ~~((for~~
2587 ~~marine transport or))~~ for air or water craft or recreational activities.

2588 SECTION 85. K.C.C. 25.08.020, as amended by this ordinance, is hereby
2589 recodified as a new section in K.C.C. chapter 21A.06.

2590 SECTION 86. Ordinance 3688, Section 201, and K.C.C. 25.08.020 are each
2591 hereby amended to read as follows:

2592 ~~((A.)) Public ((A))access:~~~~(("Public access" means actual unobstructed access~~
2593 ~~available to))~~ the ability of the general public ~~((from land to the ordinary high water mark~~
2594 ~~or to the wetland directly abutting the ordinary high water mark))~~ to reach, touch and
2595 enjoy the water's edge, to travel on the waters of the state and to view the water and the
2596 shoreline from adjacent locations.

2597 ~~((B. Limited Public Access. "Limited public access" means:~~

2598 1. ~~Actual physical access from land to the ordinary high water mark or to the~~
2599 ~~wetland directly abutting the ordinary high water mark, such access being limited to~~
2600 ~~specific groups of people or to certain regularly prescribed times; or~~

2601 2. ~~Visual access available to the general public to the shoreline and adjacent~~
2602 ~~waterbody, such access being specifically provided for in the development of the site.))~~

2603 SECTION 87. K.C.C. 25.08.400, as amended by this ordinance, is hereby
2604 recodified as a new section in K.C.C. chapter 21A.06.

2605 SECTION 88. Ordinance 3688, Section 237, and K.C.C. 25.08.400 are each
2606 hereby amended to read as follows:

2607 ((~~"~~))Redesignation(~~" means~~)): a change in the shoreline environment designation
2608 by the procedures provided in ((~~Chapter 25.32 of this title~~)) K.C.C. chapter 20.18.

2609 NEW SECTION. SECTION 89. There is hereby added to K.C.C. chapter
2610 21A.06 a new section to read as follows:

2611 Shorelands: areas landward of the ordinary high water mark along shorelines
2612 extending landward two hundred feet, and also including:

2613 A. The one hundred year floodplain;

2614 B. All associated wetlands; and

2615 C. All river deltas.

2616 SECTION 90. K.C.C. 25.08.460, as amended by this ordinance, is hereby
2617 recodified as a new section in K.C.C. chapter 21A.06.

2618 SECTION 91. Ordinance 3688, Section 247, and K.C.C. 25.08.460 are each
2619 hereby amended to read as follows:

2620 (~~"~~)Shoreline (~~(management)~~) conditional use(~~(" or "shoreline conditional use"~~
2621 ~~means~~)): a shoreline use (~~(specifically designated as a shoreline conditional use in the~~
2622 ~~shoreline management master program)~~) that is allowed only if it meets the criteria
2623 established in K.C.C. 25.32.050, as recodified by this ordinance, and is subject to
2624 conditions of approval.

2625 NEW SECTION. SECTION 92. There is hereby added to K.C.C. chapter
2626 21A.06 a new section to read as follows:

2627 Shoreline jurisdiction: shorelines and shorelands in unincorporated King County.

2628 SECTION 93. K.C.C. 25.08.480, as amended by this ordinance, is hereby
2629 recodified as a new section in K.C.C. chapter 21A.06.

2630 SECTION 94. Ordinance 3688, Section 251, and K.C.C. 25.08.480 are each
2631 hereby amended to read as follows:

2632 (~~"~~)Shoreline (~~(protection " means)~~) stabilization: a structure or device,
2633 including, but not limited to, breakwaters, bulkheads, jetties, groins and riprap, (~~(which)~~)
2634 that is placed so as to prevent erosion or to alter the normal currents, wave actions or
2635 other natural forces or actions of a waterbody. Shoreline stabilization does not include
2636 flood protection facilities.

2637 SECTION 95. K.C.C. 25.08.470, as amended by this ordinance, is hereby
2638 recodified as a new section in K.C.C. chapter 21A.06.

2639 SECTION 96. Ordinance 3688, Section 248, and K.C.C. 25.08.470 are each
2640 hereby amended to read as follows:

2641 (("~~Shoreline ((management)) variance(("means))~~); an adjustment in the
2642 application of the regulations of the shoreline management master program consistent
2643 with WAC 173-27-170 and K.C.C. 25.32.040, as recodified by this ordinance.

2644 SECTION 97. K.C.C. 25.08.490, as amended by this ordinance, is hereby
2645 recodified as a new section in K.C.C. chapter 21A.06.

2646 SECTION 98 Ordinance 3688, Section 246, and K.C.C. 25.08.490 are each
2647 hereby amended to read as follows:

2648 (("~~Shorelines(("means))~~); all ~~((of the water areas within the unincorporated
2649 portion of King County, including reservoirs, and their associated wetlands together with
2650 the lands underlying them; except:~~

2651 A. ~~Shorelines on segments of streams upstream of a point where the mean annual
2652 flow is twenty cubic feet per second or less and the wetlands associated with such
2653 upstream segments;~~

2654 B. ~~Shorelines on lakes less than twenty acres in size and wetlands associated with
2655 such lakes))~~ marine waters, lakes greater than 20 acres and rivers and streams with a
2656 minimum of twenty cubic feet per second mean annual flow.

2657 SECTION 99. K.C.C. 25.08.510, as amended by this ordinance, is hereby
2658 recodified as a new section in K.C.C. chapter 21A.06.

2659 SECTION 100. Ordinance 3688, Section 249, and K.C.C. 25.08.510 are each
2660 hereby amended to read as follows:

2661 (("~~Shorelines of statewide significance(("means))~~); those shorelines described in
2662 RCW 90.58.030(2)(e) ~~((which))~~ that are within the unincorporated portion of King
2663 County.

2664 SECTION 101. K.C.C. 25.08.570, as amended by this ordinance, is hereby
2665 recodified as a new section in K.C.C. chapter 21A.06.

2666 SECTION 102. Ordinance 3688, Section 255, and K.C.C. 25.08.570 are each
2667 hereby amended to read as follows:

2668 ~~((=))~~Substantial development~~((=" means"))~~: any development ~~((which))~~ that
2669 requires a shoreline management substantial development permit, as defined in RCW
2670 90.58.030(3)(e) ~~((as now or hereafter amended))~~.

2671 SECTION 103. K.C.C. 25.08.590, as amended by this ordinance, is hereby
2672 recodified as a new section in K.C.C. chapter 21A.06.

2673 SECTION 104. Ordinance 3688, Section 257, and K.C.C. 25.08.590 are each
2674 hereby amended to read as follows:

2675 ~~((=))~~Water dependent use~~((=" or "water dependent development" means))~~: a
2676 ~~((principal))~~ use ~~((which can only))~~ or portion of a use that cannot exist ~~((where the~~
2677 ~~landwater interface provides biological or physical conditions necessary for the use))~~ in a
2678 location that is not adjacent to the water and that is dependent on the water by reason of
2679 the intrinsic nature of its operations.

2680 NEW SECTION. SECTION 105. There is hereby added to K.C.C. chapter
2681 21A.06 a new section to read as follows:

2682 Water enjoyment use: a recreational use or other use that facilitates public access
2683 to the shoreline as a primary characteristic of the use; or a use that provides for
2684 recreational use or aesthetic enjoyment of the shoreline for a substantial number of
2685 people as a general characteristic of the use and which through location, design and
2686 operation ensures the public's ability to enjoy the physical and aesthetic qualities of the

2687 shoreline. A water enjoyment use must be open to the general public and the shoreline-
2688 oriented space within the project must be devoted to the specific aspects of the use that
2689 fosters shoreline enjoyment.

2690 NEW SECTION. SECTION 106. There is hereby added to K.C.C. chapter
2691 21A.06 a new section to read as follows:

2692 Water oriented use: a use that is water dependent, water related or water
2693 enjoyment, or a combination of such uses.

2694 SECTION 107. K.C.C. 25.08.600, as amended by this ordinance, is hereby
2695 recodified as a new section in K.C.C. chapter 21A.06.

2696 SECTION 108. Ordinance 3688, Section 258, and K.C.C. 25.08.600 are each
2697 hereby amended to read as follows:

2698 ~~((“))~~Water related use~~((“ or “water related development” means))~~; a ~~((principal))~~
2699 use ~~((which))~~ or portion of a use that is not intrinsically dependent on a waterfront
2700 location ~~((abutting the ordinary high water mark but which))~~ but whose economic
2701 viability is dependent upon a waterfront location because:

2702 A. ~~((Promotes the public's enjoyment of or access to the))~~ The use has a
2703 functional requirement for a waterfront location, such as the arrival or shipment of
2704 materials by water or the need for large quantities of water; or

2705 B. ~~((Gains a cost savings or revenue differentiating advantage, which is not~~
2706 ~~associated with land rents or costs, from being located within the shorelines of the state~~
2707 ~~that could not be obtained at an upland location; such uses include but are not limited to~~
2708 ~~residential development, boat sales or restaurants))~~ The use provides a necessary service

2709 supportive of the water-dependent uses and the proximity of the use to its customers
2710 makes its services less expensive or more convenient, or both.

2711 NEW SECTION. SECTION 109. There is hereby added a new section to K.C.C.
2712 chapter 21A.08 to read as follows:

2713 The permitted land uses allowed in this chapter are allowed within the shoreline
2714 jurisdiction except as amended by section 31 of this ordinance.

2715 NEW SECTION. SECTION 110. There is hereby added a new section to K.C.C.
2716 chapter 21A.12 to read as follows:

2717 The density and dimensions established in this chapter apply within the shoreline
2718 jurisdiction except as inconsistent with section 47 of this ordinance.

2719 SECTION 111. Ordinance 13130, Section 3, as amended, and K.C.C.
2720 21A.32.045 are each hereby amended to read as follows:

2721 A nonconforming use that has been discontinued, or a nonconforming structure or
2722 site improvement that has been damaged or destroyed, may be reestablished or
2723 reconstructed if:

2724 A. The nonconforming use, structure(~~(;)~~) or site improvement (~~((which))~~) that
2725 previously existed is not expanded;

2726 B. A new nonconformance is not created; (~~(and)~~)

2727 C.1. The use has not been discontinued for more than twelve months (~~((prior to))~~)
2728 before its (~~((re-establishment))~~) reestablishment, or the nonconforming structure or site
2729 improvement is reconstructed (~~((pursuant to))~~) in accordance with a complete permit
2730 application submitted to the department within twelve months of the occurrence of
2731 damage or destruction; or(~~(;)~~)

2732 2. If the use has been discontinued for more than twelve months, the applicant
2733 provides documentation that demonstrates to the satisfaction of the department that there
2734 was no intent to abandon the use. Documentation may include, but is not limited to,
2735 requests for approvals necessary to reestablish the use or structure submitted to
2736 appropriate county, state and federal agencies within twelve months after the use was
2737 discontinued. A statement from the property owner that merely states that there is no
2738 intent to abandon is not sufficient documentation without a showing of additional actions
2739 taken by the property owner to reestablish the use or structure; and

2740 D. A nonconforming use, structure or site improvement located within the
2741 shoreline jurisdiction that is damaged or destroyed more than fifty percent of its fair
2742 market value at present or at the time of its destruction may be reconstructed only insofar
2743 as it is consistent with existing regulations.

2744 SECTION 112. K.C.C. 25.32.040, as amended by this ordinance, is recodified as
2745 a new section in K.C.C. chapter 21A.44.

2746 SECTION 113. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040
2747 are each hereby amended to read as follows:

2748 A. (~~The director is authorized to grant a variance from the performance~~
2749 ~~standards of this master program only under the conditions enumerated WAC 173-14-150~~
2750 ~~(Review Criteria for Variances).)~~ A shoreline variance shall be granted by the county
2751 from the bulk, dimensional or performance standards set forth in section 47 of this
2752 ordinance only if the applicant demonstrates that:

2753 1. The review criteria of WAC 173-27-170 have been met;

2754 2. The shoreline variance does not permit a use that is specifically prohibited in
2755 the environmental designation; and

2756 3. Views from nearby roads and public areas are protected.

2757 B. A variance from county zoning code requirements shall not be construed to
2758 mean a variance from shoreline master program use regulations and vice versa.

2759 C. ~~((Shoreline variances may not be used to permit a use that is specifically~~
2760 ~~prohibited in an environment designation.~~

2761 ~~D.))~~ The burden of proving that a proposed variance meets these conditions shall
2762 be on the applicant; absence of such proof shall be grounds for denial of the application.

2763 ~~((E. The fee which shall accompany an application for a shoreline variance shall~~
2764 ~~be as adopted by ordinance.))~~

2765 SECTION 114. K.C.C. 25.32.050, as amended by this ordinance, is recodified as
2766 a new section in K.C.C. chapter 21A.44.

2767 SECTION 115. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each
2768 hereby amended to read as follows:

2769 A. ~~((The director is authorized to issue))~~ A shoreline conditional use ~~((permits))~~
2770 shall be granted by the department for conditional uses identified in K.C.C. 25.20.060, as
2771 recodified by this ordinance, and K.C.C. 25.16.180, as recodified by this ordinance, as
2772 shoreline conditional uses only ((under the following circumstances)) if the applicant
2773 demonstrates that:

2774 1. ~~((The development must be compatible with uses which are permitted within~~
2775 ~~the master program environment in which the development is proposed.))~~ The review
2776 criteria of WAC 173-27-160 have been met; and

2777 2. ~~((The use will cause no unreasonable adverse effects on the shoreline or~~
2778 ~~surrounding properties and uses.~~

2779 3.)) The use will promote or not interfere with public use of surface waters.

2780 ~~((4. The development of the site will not be contrary to the policies of the~~
2781 ~~master program.))~~

2782 B. A shoreline conditional use may be granted by the department for uses not
2783 identified as conditional uses in section 32 of this ordinance and K.C.C. 25.16.180, as
2784 recodified by this ordinance, only if the applicant demonstrates that:

2785 1. The criteria in subsection A. of this section have been met;

2786 2. The use is not specifically prohibited in the shoreline environment;

2787 3. The use clearly requires specific site location on the shoreline not provided
2788 for under the shoreline master program; and

2789 4. Extraordinary circumstances preclude reasonable use of the property in a
2790 manner consistent with the use regulations of the new chapter created in section 16 of this
2791 ordinance.

2792 C. The burden of proving that a proposed shoreline conditional use meets the
2793 criteria enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence
2794 of such proof shall be grounds for denial of the application~~((; provided, however, that the~~
2795 ~~director is authorized to determine and impose, on a case by case basis, those conditions~~
2796 ~~and standards which may be required to enable any proposed shoreline conditional use to~~
2797 ~~satisfy the criteria established in subsection A. of this section)).~~

2798 SECTION 116. Ordinance 10870, Section 631, and K.C.C. 21A.50.030 are each
2799 hereby amended to read as follows:

2800 No building permit or land use approval in conflict with ~~((the provisions of))~~ this
2801 title shall be issued. Structures or uses ~~((which))~~ that do not conform to this title, except
2802 legal nonconformances specified in K.C.C. chapter 21A.32 and approved variances, are
2803 violations subject to the enforcement, penalty and abatement provisions of K.C.C. Title
2804 23, including, but not limited to:

2805 A. Establishing a use not permitted in the zone in which it is located;

2806 B. Constructing, expanding or placing a structure in violation of setback, height
2807 and other dimensional standards in this title;

2808 C. Establishing a permitted use without complying with applicable development
2809 standards set forth in other titles, ordinances, rules or other laws, including but not
2810 limited to, road construction, surface water management, the Fire Code~~((,))~~ and rules of
2811 the department of public health;

2812 D. Failing to carry out or observe conditions of land use or permit approval,
2813 including contract development standards;

2814 E. Failing to secure required land use or permit approval ~~((prior to))~~ before
2815 establishing a permitted use; ~~((and))~~

2816 F. Failing to maintain site improvements, such as landscaping, parking or
2817 drainage control facilities as required by this code or other King County ordinances;

2818 G. Undertaking any development within the shoreline jurisdiction without first
2819 obtaining a required substantial development permit or required statement of exemption;
2820 and;

2821 H. Undertaking any development within the shoreline jurisdiction that is exempt
2822 from the requirement to obtain a substantial development permit that is not in compliance

2823 with the policy of RCW 90.58.020 and the requirements of chapter 173-26 WAC and the
2824 King County shoreline master program.

2825 NEW SECTION. SECTION 117. There is hereby added a new section to K.C.C.
2826 chapter 21A.06 to read as follows:

2827 Regional light rail transit: A public rail transit line that operates at grade level,
2828 above grade level((=)) or in a tunnel and that provides high capacity, regional transit
2829 service owned or operated by a regional transit authority authorized under chapter 81.112
2830 RCW. A regional light rail transit system may be designed to share a street right-of-way
2831 although it may also use a separate right-of-way.

2832 SECTION 118. Ordinance 15051, Section 86, as amended, and K.C.C.
2833 21A06.942 are each hereby amended to read as follows:

2834 Public road right-of-way structure: the existing, maintained, improved road right-
2835 of-way, regional light rail transit or railroad prism and the roadway drainage features
2836 including ditches and the associated surface water conveyance system, flow control and
2837 water quality treatment facilities and other structures that are ancillary to those facilities
2838 including catch-basins, access holes and culverts.

2839 SECTION 119. Ordinance 10870, Section 323, as amended, and K.C.C.
2840 21A.06.1391 are each hereby amended to read as follows:

2841 Wetland: an area that is not an aquatic area and that is inundated or saturated by
2842 ground or surface water at a frequency and duration sufficient to support, and under
2843 normal circumstances supports, a prevalence of vegetation typically adapted for life in
2844 saturated soil conditions. For purposes of this definition:

2845 A. (~~Where the vegetation has been removed or substantially altered, "wetland" is~~
2846 ~~determined by the presence or evidence of hydric soil, by other documentation such as~~
2847 ~~aerial photographs of the previous existence of wetland vegetation or by any other~~
2848 ~~manner authorized in~~) Wetlands shall be delineated using the wetland delineation
2849 manual required by RCW 36.70A.175; and

2850 B. Except for artificial features intentionally made for the purpose of mitigation,
2851 "wetland" does not include an artificial feature made from a nonwetland area, which may
2852 include, but is not limited to:

- 2853 1. A surface water conveyance for drainage or irrigation;
- 2854 2. A grass-lined swale;
- 2855 3. A canal;
- 2856 4. A flow control facility;
- 2857 5. A wastewater treatment facility;
- 2858 6. A farm pond;
- 2859 7. A wetpond;
- 2860 8. Landscape amenities; or
- 2861 9. A wetland created after July 1, 1990, that was unintentionally made as a
2862 result of construction of a road, street or highway.

2863 SECTION 120. Ordinance 15051, Section 137, as amended, and K.C.C.
2864 21A.24.045 are each hereby amended to read as follows:

2865 A. Within the following seven critical areas and their buffers all alterations are
2866 allowed if the alteration complies with the development standards, impact avoidance and
2867 mitigation requirements and other applicable requirements established in this chapter:

- 2868 1. Critical aquifer recharge area,
2869 2. Coal mine hazard area;
2870 3. Erosion hazard area;
2871 4. Flood hazard area except in the severe channel migration hazard area;
2872 5. Landslide hazard area under forty percent slope;
2873 6. Seismic hazard area; and
2874 7. Volcanic hazard areas.

2875 B. Within the following seven critical areas and their buffers, unless allowed as
2876 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
2877 subsection C. of this section are allowed if the alteration complies with conditions in
2878 subsection D. of this section and the development standards, impact avoidance and
2879 mitigation requirements and other applicable requirements established in this chapter:

- 2880 1. Severe channel migration hazard area;
2881 2. Landslide hazard area over forty percent slope;
2882 3. Steep slope hazard area;
2883 4. Wetland;
2884 5. Aquatic area;
2885 6. Wildlife habitat conservation area; and
2886 7. Wildlife habitat network.

2887 C. In the following table where an activity is included in more than one activity
2888 category, the numbered conditions applicable to the most specific description of the
2889 activity governs. Where more than one numbered condition appears for a listed activity,
2890 each of the relevant conditions specified for that activity within the given critical area

<p>A number in a cell means the corresponding numbered condition in subsection D. applies</p> <p>"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</p>					

ACTIVITY					
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
<u>Construction of a new tree-supported structure</u>			<u>A 64</u>	<u>A 64</u>	<u>A 64</u>
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15

Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A22	A22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A26	A26	

Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28				
Construction of farm field access drive	A 29				
Maintenance of driveway, private access road, farm field access drive or parking lot	A	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				
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27

Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility service distribution line	A 32, 33	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	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well			A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37

water conveyance system					
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public	A 48	A 48	A 48	A 48	A 4, 48

park facility, trail or publicly improved recreation area					
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54

Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
<u>Shoreline water dependent or shoreline water oriented use</u>				<u>A 65</u>	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

2893 D. The following alteration conditions apply:

2894 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
 2895 limitations of subsection D.3. of this section.

2896 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was
2897 created before January 1, 2005, if:

2898 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
2899 seventy-five percent of the lake frontage, whichever constitutes the most developable
2900 lake frontage, has existing density of four dwelling units per acre or more;

2901 b. the development proposal, including mitigation required by this chapter, will
2902 have the least adverse impact on the critical area;

2903 c. existing native vegetation within the critical area buffer will remain
2904 undisturbed except as necessary to accommodate the development proposal and required
2905 building setbacks;

2906 d. access is located to have the least adverse impact on the critical area and
2907 critical area buffer;

2908 e. the alteration is the minimum necessary to accommodate the development
2909 proposal and in no case in excess of a development footprint of five thousand square feet;

2910 f. the alteration ~~((does not exceed the residential development setbacks~~
2911 ~~required under K.C.C. chapter 25.04 and))~~ is no ~~((circumstances shall the alteration be~~
2912 ~~allowed))~~ closer than(
2913 ~~(1))~~ twenty-five feet of the ordinary high water mark of ~~((a))~~ the lake
2914 shoreline ~~((designated urban under K.C.C. chapter 25.16;~~
2915 ~~(2) fifty feet of the ordinary high water mark of a lake shoreline designated~~
2916 ~~rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or~~
2917 ~~(3) one hundred feet of the ordinary high water mark of a lake shoreline~~
2918 ~~designated natural under K.C.C. chapter 25.28)); and~~

- 2919 g. to the maximum extent practical, alterations are mitigated on the
2920 development proposal site by enhancing or restoring remaining critical area buffers.
- 2921 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
2922 buffers of wetlands or aquatic areas where:
- 2923 a. the site is predominantly used for the practice of agriculture;
- 2924 b. the structure is in compliance with an approved farm management plan in
2925 accordance with K.C.C. 21A.24.051;
- 2926 c. the structure is either:
- 2927 (1) on or adjacent to existing nonresidential impervious surface areas,
2928 additional impervious surface area is not created waterward of any existing impervious
2929 surface areas and the area was not used for crop production;
- 2930 (2) higher in elevation and no closer to the critical area than its existing
2931 position; or
- 2932 (3) at a location away from existing impervious surface areas that is
2933 determined to be the optimum site in the farm management plan;
- 2934 d. all best management practices associated with the structure specified in the
2935 farm management plan are installed and maintained;
- 2936 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2937 require the development of a farm management plan if required best management
2938 practices are followed and the installation does not require clearing of critical areas or
2939 their buffers; and
- 2940 f. in a severe channel migration hazard area portion of an aquatic buffer only
2941 if:
-

- 2942 (1) there is no feasible alternative location on-site;
- 2943 (2) the structure is located where it is least subject to risk from channel
2944 migration;
- 2945 (3) the structure is not used to house animals or store hazardous substances;
2946 and
- 2947 (4) the total footprint of all accessory structures within the severe channel
2948 migration hazard area will not exceed the greater of one thousand square feet or two
2949 percent of the severe channel migration hazard area on the site.
- 2950 4. Allowed if no clearing, external construction or other disturbance in a
2951 wildlife habitat conservation area occurs during breeding seasons established under
2952 K.C.C. 21A.24.382.
- 2953 5. Allowed for structures when:
- 2954 a. the landslide hazard poses little or no risk of injury;
- 2955 b. the risk of landsliding is low; and
- 2956 c. there is not an expansion of the structure.
- 2957 6. Within a severe channel migration hazard area allowed for:
- 2958 a. existing legally established primary structures if:
- 2959 (1) there is not an increase of the footprint of any existing structure; and
- 2960 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 2961 and
- 2962 b. existing legally established accessory structures if:
- 2963 (1) additions to the footprint will not make the total footprint of all existing
2964 structures more than one-thousand square feet; and

2965 (2) there is not an expansion of the footprint towards any source of channel
2966 migration hazard, unless the applicant demonstrates that the location is less subject to risk
2967 and has less impact on the critical area.

2968 7. Allowed only in grazed wet meadows or the buffer or building setback
2969 outside a severe channel migration hazard area if:

2970 a. the expansion or replacement does not increase the footprint of a
2971 nonresidential structure;

2972 b.(1) for a legally established dwelling unit, the expansion or replacement,
2973 including any expansion of a legally established accessory structure or impervious
2974 surfaces allowed under this subsection B.7.b., does not increase the footprint of the
2975 dwelling unit and all other structures by more than one thousand square feet, not
2976 including any expansion of a drainfield made necessary by the expansion of structures.
2977 To the maximum extent practical, the replacement or expansion of a drainfield in the
2978 buffer should be located within areas of existing lawn or landscaping, unless another
2979 location will have a lesser impact on the critical area and its buffer;

2980 (2) for a structure accessory to a dwelling unit, the expansion or replacement
2981 is located on or adjacent to existing impervious surface areas and does not result in a
2982 cumulative increase in the footprint of the accessory structure and the dwelling unit by
2983 more than one thousand square feet; (~~and~~)

2984 (3) the location of the expansion has the least adverse impact on the critical
2985 area; and

2986 (4) a comparable area of degraded buffer area shall be enhanced through
2987 removal of nonnative plants and replacement with native vegetation in accordance with
2988 an approved landscaping plan;

2989 c. the structure was not established as the result of an alteration exception,
2990 variance, buffer averaging or reasonable use exception; and

2991 d. to the maximum extent practical, the expansion or replacement is not
2992 located closer to the critical area or within the relic of a channel that can be connected to
2993 an aquatic area.

2994 8. Allowed upon another portion of an existing impervious surface outside a
2995 severe channel migration hazard area if:

2996 a. the structure is not located closer to the critical area; ~~((and))~~

2997 b. the existing impervious surface within the critical area or buffer is not
2998 expanded; and

2999 c. the degraded buffer area is enhanced through removal of nonnative plants
3000 and replacement with native vegetation in accordance with an approved landscaping plan.

3001 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
3002 or its buffer or along a lake shoreline or its buffer where:

3003 a. ~~((the existing and zoned density of all properties abutting the entire lake~~
3004 ~~shoreline averages three dwelling units per acre or more;~~

3005 ~~b. at least seventy-five percent of the lots abutting the shoreline or seventy-five~~
3006 ~~percent of the lake frontage, whichever constitutes the most lake frontage, has been~~
3007 ~~developed with dwelling units;~~

3008 e.) the vegetation where the alteration is proposed does not consist of
3009 dominant native wetland herbaceous or woody vegetation six feet in width or greater and
3010 the lack of this vegetation is not the result of any violation of law;

3011 ~~((d-))~~ b. the wetland or lake shoreline is not a salmonid spawning area; ~~((and))~~

3012 ~~((e-))~~ c. hazardous substances or toxic materials are not used; and

3013 e. if located on a freshwater lake, the pier or dock conforms to the standards
3014 for docks under K.C.C. 25.16.120, as recodified by this ordinance.

3015 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
3016 materials are not used.

3017 11. Allowed on type S or F aquatic areas outside of the severe channel
3018 migration hazard area if in compliance with ~~((K.C.C. Title 25))~~ K.C.C. 25.16.120, as
3019 recodified by this ordinance.

3020 12. When located on a lake, must be in compliance with ~~((K.C.C. Title 25))~~
3021 K.C.C. 25.16.120, as recodified by this ordinance.

3022 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
3023 grading activity.

3024 14. The following are allowed in the severe channel migration hazard area if
3025 conducted more than one~~((-))~~ hundred ~~((and))~~ sixty-five feet from the ordinary high water
3026 mark in the rural area and one-hundred ~~((and))~~ fifteen feet from the ordinary high water
3027 mark in the urban area:

3028 a. grading of up to fifty cubic yards on lot less than five acres; and

3029 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
3030 percent of the severe channel migration hazard area.

3031 15. Only where erosion or landsliding threatens a structure, utility facility,
3032 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
3033 practical, stabilization work does not disturb the slope and its vegetative cover and any
3034 associated critical areas.

3035 16. Allowed when performed by, at the direction of or authorized by a
3036 government agency in accordance with regional road maintenance guidelines.

3037 17. Allowed when not performed under the direction of a government agency
3038 only if:

3039 a. the maintenance or expansion does not involve the use of herbicides,
3040 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
3041 or their buffers; and

3042 b. when maintenance, expansion or replacement of bridges or culverts involves
3043 water used by salmonids:

3044 (1) the work is in compliance with ditch standards in public rule; and

3045 (2) the maintenance of culverts is limited to removal of sediment and debris
3046 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
3047 damaged bank or channel immediately adjacent to the culvert and shall not involve the
3048 excavation of a new sediment trap adjacent to the inlet.

3049 18. Allowed for the removal of hazard trees and vegetation as necessary for
3050 surveying or testing purposes.

3051 19. The limited trimming and pruning of vegetation for the making and
3052 maintenance of view corridors or habitat enhancement under a vegetation management
3053 plan approved by the department, if the soils are not disturbed and the activity will not

3054 adversely affect the long term slope stability or water quality or cause erosion. The
3055 vegetation management plan shall use native species with adequate root strength to add
3056 stability to a steep slope.

3057 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
3058 fruits, for restoration and enhancement projects is allowed.

3059 21. Cutting of firewood is subject to the following:

3060 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

3061 b. within a wildlife network, cutting shall be in accordance with a management
3062 plan approved under K.C.C. 21A.24.386 by this ordinance; and

3063 c. within a critical area buffer, cutting shall be for personal use and in
3064 accordance with an approved forest management plan or rural stewardship plan.

3065 22. Allowed only in buffers if in accordance with best management practices
3066 approved by the King County fire marshal.

3067 23. Allowed as follows:

3068 a. if conducted in accordance with an approved forest management plan, farm
3069 management plan((?)) or rural stewardship plan; or

3070 b. without an approved forest management plan, farm management plan or
3071 rural stewardship plan, only if:

3072 (1) removal is undertaken with hand labor, including hand-held mechanical
3073 tools, unless the King County noxious weed control board otherwise prescribes the use of
3074 riding mowers, light mechanical cultivating equipment or herbicides or biological control
3075 methods;

3076 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

3077 (3) the cleared area is revegetated with native vegetation and stabilized
3078 against erosion; and

3079 (4) herbicide use is in accordance with federal and state law;

3080 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

3081 a. a forest management plan is approved for the site by the King County
3082 department of natural resources and parks; and

3083 b. the property owner provides a notice of intent in accordance with RCW
3084 76.09.060 that the site will not be converted to nonforestry uses within six years.

3085 25. Only if in compliance with published Washington state Department of Fish
3086 and Wildlife and Washington state Department of Natural Resources Management
3087 standards for the species. If there are no published Washington state standards, only if in
3088 compliance with management standards determined by the county to be consistent with
3089 best available science.

3090 26. Allowed only if:

3091 a. there is not another feasible location with less adverse impact on the critical
3092 area and its buffer;

3093 b. the corridor is not located over habitat used for salmonid rearing or
3094 spawning or by a species listed as endangered or threatened by the state or federal
3095 government unless the department determines that there is no other feasible crossing site.

3096 c. the corridor width is minimized to the maximum extent practical;

3097 d. the construction occurs during approved periods for instream work;

3098 e. the corridor will not change or diminish the overall aquatic area flow peaks,
3099 duration or volume or the flood storage capacity; and

3100 f. no new public right-of-way is established within a severe channel migration
3101 hazard area.

3102 27. To the maximum extent practical, during breeding season established under
3103 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
3104 equipment are not operated within a wildlife habitat conservation area.

3105 28. Allowed only if:

3106 a. an alternative access is not available;

3107 b. impact to the critical area is minimized to the maximum extent practical
3108 including the use of walls to limit the amount of cut and fill necessary;

3109 c. the risk associated with landslide and erosion is minimized;

3110 d. access is located where it is least subject to risk from channel migration; and

3111 e. construction occurs during approved periods for instream work.

3112 29. Only if in compliance with a farm management plan in accordance with
3113 K.C.C. 21A.24.051.

3114 30. Allowed only if:

3115 a. the replacement is made fish passable in accordance with the most recent
3116 Washington state Department of Fish and Wildlife manuals or with the National Marine
3117 and Fisheries Services guidelines for federally listed salmonid species; and

3118 b. the site is restored with appropriate native vegetation.

3119 31. Allowed if necessary to bring the bridge or culvert up to current standards
3120 and if:

3121 a. there is not another feasible alternative available with less impact on the
3122 aquatic area and its buffer; and

3123 b. to the maximum extent practical, the bridge or culvert is located to minimize
3124 impacts to the aquatic area and its buffer's.

3125 32. Allowed in an existing roadway if conducted consistent with the regional
3126 road maintenance guidelines.

3127 33. Allowed outside the roadway if:

3128 a. the alterations will not subject the critical area to an increased risk of
3129 landslide or erosion;

3130 b. vegetation removal is the minimum necessary to locate the utility or
3131 construct the corridor; and

3132 c. significant risk of personal injury is eliminated or minimized in the landslide
3133 hazard area.

3134 34. Limited to the pipelines, cables, wires and support structures of utility
3135 facilities within utility corridors if:

3136 a. there is no alternative location with less adverse impact on the critical area
3137 and critical area buffer;

3138 b. new utility corridors meet the all of the following to the maximum extent
3139 practical:

3140 (1) are not located over habitat used for salmonid rearing or spawning or by a
3141 species listed as endangered or threatened by the state or federal government unless the
3142 department determines that there is no other feasible crossing site;

3143 (2) the mean annual flow rate is less than twenty cubic feet per second; and

3144 (3) paralleling the channel or following a down-valley route near the channel
3145 is avoided;

- 3146 c. to the maximum extent practical utility corridors are located so that:
- 3147 (1) the width is the minimized;
- 3148 (2) the removal of trees greater than twelve inches diameter at breast height is
- 3149 minimized;
- 3150 (3) an additional, contiguous and undisturbed critical area buffer, equal in
- 3151 area to the disturbed critical area buffer area including any allowed maintenance roads, is
- 3152 provided to protect the critical area;
- 3153 d. to the maximum extent practical, access for maintenance is at limited access
- 3154 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
- 3155 maintenance road is necessary the following standards are met:
- 3156 (1) to the maximum extent practical the width of the maintenance road is
- 3157 minimized and in no event greater than fifteen feet; and
- 3158 (2) the location of the maintenance road is contiguous to the utility corridor
- 3159 on the side of the utility corridor farthest from the critical area;
- 3160 e. the utility corridor or facility will not adversely impact the overall critical
- 3161 area hydrology or diminish flood storage capacity;
- 3162 f. the construction occurs during approved periods for instream work;
- 3163 g. the utility corridor serves multiple purposes and properties to the maximum
- 3164 extent practical;
- 3165 h. bridges or other construction techniques that do not disturb the critical areas
- 3166 are used to the maximum extent practical;
- 3167 i. bored, drilled or other trenchless crossing is laterally constructed at least four
- 3168 feet below the maximum depth of scour for the base flood;

3169 j. bridge piers or abutments for bridge crossing are not placed within the
3170 FEMA floodway or the ordinary high water mark;

3171 k. open trenching is only used during low flow periods or only within aquatic
3172 areas when they are dry. The department may approve open trenching of type S or F
3173 aquatic areas only if there is not a feasible alternative and equivalent or greater
3174 environmental protection can be achieved; and

3175 l. minor communication facilities may collocate on existing utility facilities if:

3176 (1) no new transmission support structure is required; and

3177 (2) equipment cabinets are located on the transmission support structure.

3178 35. Allowed only for new utility facilities in existing utility corridors.

3179 36. Allowed for private individual utility service connections on site or to public
3180 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
3181 fertilizers are applied.

3182 37. Allowed if the disturbed area is not expanded, clearing is limited to the
3183 maximum extent practical and no hazardous substances, pesticides or fertilizers are
3184 applied.

3185 38. Allowed if:

3186 a. conveying the surface water into the wetland or aquatic area buffer and
3187 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
3188 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
3189 than if the surface water were discharged at the buffer's edge and allowed to naturally
3190 drain through the buffer;

3191 b. the volume of discharge is minimized through application of low impact
3192 development and water quality measures identified in the King County Surface Water
3193 Design Manual;

3194 c. the conveyance and outfall are installed with hand equipment where
3195 feasible;

3196 d. the outfall shall include bioengineering techniques where feasible; and

3197 e. the outfall is designed to minimize adverse impacts to critical areas.

3198 39. Allowed only if:

3199 a. there is no feasible alternative with less impact on the critical area and its
3200 buffer;

3201 b. to the maximum extent practical, the bridge or culvert is located to minimize
3202 impacts to the critical area and its buffer;

3203 c. the bridge or culvert is not located over habitat used for salmonid rearing or
3204 spawning unless there is no other feasible crossing site;

3205 d. construction occurs during approved periods for in-stream work; and

3206 e. bridge piers or abutments for bridge crossings are not placed within the
3207 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
3208 water mark.

3209 40. Allowed for an open, vegetated stormwater management conveyance system
3210 and outfall structure that simulates natural conditions if:

3211 a. fish habitat features necessary for feeding, cover and reproduction are
3212 included when appropriate;

- 3213 b. vegetation is maintained and added adjacent to all open channels and ponds,
3214 if necessary to prevent erosion, filter out sediments or shade the water; and
- 3215 c. bioengineering techniques are used to the maximum extent practical.
- 3216 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 3217 a. necessary to avoid erosion of slopes; and
- 3218 b. bioengineering techniques are used to the maximum extent practical.
- 3219 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
3220 to prevent bank erosion only:
- 3221 a. if consistent with the Integrated Streambank Protection Guidelines
3222 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
3223 techniques are used to the maximum extent practical, unless the applicant demonstrates
3224 that other methods provide equivalent structural stabilization and environmental function;
- 3225 b. based on a critical areas report, the department determines that the new
3226 flood protection facility will not cause significant impacts to upstream or downstream
3227 properties; and
- 3228 c. to prevent bank erosion for the protection of:
- 3229 (1) public roadways;
- 3230 (2) sole access routes in existence before February 16, 1995;
- 3231 (3) new primary dwelling units, accessory dwelling units or accessory living
3232 quarters and residential accessory structures located outside the severe channel migration
3233 hazard area if:
- 3234 (a) the site is adjacent to or abutted by properties on both sides containing
3235 buildings or sole access routes protected by legal bank stabilization in existence before

3236 February 16, 1995. The buildings, sole access routes or bank stabilization must be
3237 located no more than six hundred feet apart as measured parallel to the migrating
3238 channel; and

3239 (b) the new primary dwelling units, accessory dwelling units, accessory
3240 living quarters or residential accessory structures are located no closer to the aquatic area
3241 than existing primary dwelling units, accessory dwelling units, accessory living quarters
3242 or residential accessory structures on abutting or adjacent properties; or

3243 (4) existing primary dwelling units, accessory dwelling units, accessory living
3244 quarters or residential accessory structures if:

3245 (a) the structure was in existence before the adoption date of a King County
3246 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

3247 (b) the structure is in imminent danger, as determined by a geologist,
3248 engineering geologist or geotechnical engineer;

3249 (c) the applicant has demonstrated that the existing structure is at risk, and
3250 the structure and supporting infrastructure cannot be relocated on the lot further from the
3251 source of channel migration; and

3252 (d) nonstructural measures are not feasible.

3253 43. Applies to lawfully established existing structures if:

3254 a. the height of the facility is not increased, unless the facility is being replaced
3255 in a new alignment that is landward of the previous alignment and enhances aquatic area
3256 habitat and process;

3257 b. the linear length of the facility is not increased, unless the facility is being
3258 replaced in a new alignment that is landward of the previous alignment and enhances
3259 aquatic area habitat and process;

3260 c. the footprint of the facility is not expanded waterward;

3261 d. consistent with the Integrated Streambank Protection Guidelines
3262 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
3263 techniques are used to the maximum extent practical;

3264 e. the site is restored with appropriate native vegetation and erosion protection
3265 materials; and

3266 f. based on a critical areas report, the department determines that the
3267 maintenance, repair, replacement or construction will not cause significant impacts to
3268 upstream or downstream properties.

3269 44. Allowed in type N and O aquatic areas if done in least impacting way at
3270 least impacting time of year, in conformance with applicable best management practices,
3271 and all affected instream and buffer features are restored.

3272 45. Allowed in a type S or F water when such work is:

3273 a. included as part of a project to evaluate, restore or improve habitat((?)); and

3274 b. sponsored or cosponsored by a public agency that has natural resource
3275 management as a function or by a federally recognized tribe.

3276 46. Allowed as long as the trail is not constructed of impervious surfaces that
3277 will contribute to surface water run-off, unless the construction is necessary for soil
3278 stabilization or soil erosion prevention or unless the trail system is specifically designed
3279 and intended to be accessible to handicapped persons.

3280 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
3281 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
3282 if:

3283 a. the trail surface is made of pervious materials, except that public
3284 multipurpose trails may be made of impervious materials if they meet all the
3285 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
3286 be constructed as a raised boardwalk or bridge;

3287 b. to the maximum extent practical, buffers are expanded equal to the width of
3288 the trail corridor including disturbed areas;

3289 c. there is not another feasible location with less adverse impact on the critical
3290 area and its buffer;

3291 d. the trail is not located over habitat used for salmonid rearing or spawning or
3292 by a species listed as endangered or threatened by the state or federal government unless
3293 the department determines that there is no other feasible crossing site;

3294 e. the trail width is minimized to the maximum extent practical;

3295 f. the construction occurs during approved periods for instream work; and

3296 g. the trail corridor will not change or diminish the overall aquatic area flow
3297 peaks, duration or volume or the flood storage capacity.

3298 h. the trail may be located across a critical area buffer for access to a viewing
3299 platform or to a permitted dock or pier;

3300 i. A private viewing platform may be allowed if it is:

3301 (1) located upland from the wetland edge or the ordinary high water mark of
3302 an aquatic area;

3303 (2) located where it will not be detrimental to the functions of the wetland or
3304 aquatic area and will have the least adverse environmental impact on the critical area or
3305 its buffer;

3306 (3) limited to fifty square feet in size;

3307 (4) constructed of materials that are (~~non-toxic~~) nontoxic; and

3308 (5) on footings located outside of the wetland or aquatic area.

3309 48. Only if the maintenance:

3310 a. does not involve the use of herbicides or other hazardous substances except
3311 for the removal of noxious weeds or invasive vegetation;

3312 b. when salmonids are present, the maintenance is in compliance with ditch
3313 standards in public rule; and

3314 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
3315 culvert, engineered slope or other improved area being maintained.

3316 49. Limited to alterations to restore habitat forming processes or directly restore
3317 habitat function and value, including access for construction, as follows:

3318 a. projects sponsored or cosponsored by a public agency that has natural
3319 resource management as a primary function or by a federally recognized tribe;

3320 b. restoration and enhancement plans prepared by a qualified biologist; or

3321 c. conducted in accordance with an approved forest management plan, farm
3322 management plan or rural stewardship plan.

3323 50. Allowed in accordance with a scientific sampling permit issued by
3324 Washington state Department of Fish and Wildlife or an incidental take permit issued
3325 under Section 10 of the Endangered Species Act.

- 3326 51. Allowed for the minimal clearing and grading, including site access,
3327 necessary to prepare critical area reports.
- 3328 52. The following are allowed if associated spoils are contained:
3329 a. data collection and research if carried out to the maximum extent practical
3330 by nonmechanical or hand-held equipment;
3331 b. survey monument placement;
3332 c. site exploration and gage installation if performed in accordance with state-
3333 approved sampling protocols and accomplished to the maximum extent practical by
3334 hand-held equipment and; or similar work associated with an incidental take permit
3335 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
3336 the Endangered Species Act.
- 3337 53. Limited to activities in continuous existence since January 1, 2005, with no
3338 expansion within the critical area or critical area buffer. "Continuous existence" includes
3339 cyclical operations and managed periods of soil restoration, enhancement or other fallow
3340 states associated with these horticultural and agricultural activities.
- 3341 54. Allowed for expansion of existing or new agricultural activities where:
3342 a. the site is predominantly involved in the practice of agriculture;
3343 b. there is no expansion into an area that:
3344 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
3345 practice permit; or
3346 (2) is more than ten thousand square feet with tree cover at a uniform density
3347 more than ninety trees per acre and with the predominant mainstream diameter of the
3348 trees at least four inches diameter at breast height, not including areas that are actively

3349 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
3350 stock;

3351 c. the activities are in compliance with an approved farm management plan in
3352 accordance with K.C.C. 21A.24.051; and

3353 d. all best management practices associated with the activities specified in the
3354 farm management plan are installed and maintained.

3355 55. Only allowed in grazed or tilled wet meadows or their buffers if:

3356 a. the facilities are designed to the standards of an approved farm management
3357 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
3358 accordance with K.C.C. chapter 21A.30;

3359 b. there is not a feasible alternative location available on the site; and

3360 c. the facilities are located close to the outside edge of the buffer to the
3361 maximum extent practical.

3362 56. Allowed in a severe channel migration hazard area portion of an aquatic
3363 area buffer if:

3364 a. the facilities are designed to the standards in an approved farm management
3365 plan in accordance with K.C.C. 21A.24.051;

3366 b. there is not a feasible alternative location available on the site; and

3367 c. the structure is located where it is least subject to risk from channel
3368 migration.

3369 57. Allowed for new agricultural drainage in compliance with an approved farm
3370 management plan in accordance with K.C.C. 21A.24.051 and all best management

3371 practices associated with the activities specified in the farm management plan are
3372 installed and maintained.

3373 58. If the agricultural drainage is used by salmonids, maintenance shall be in
3374 compliance with an approved farm management plan in accordance with K.C.C.
3375 21A.24.051.

3376 59. Allowed within existing landscaped areas or other previously disturbed
3377 areas.

3378 60. Allowed for residential utility service distribution lines to residential
3379 dwellings, including, but not limited to, well water conveyance, septic system
3380 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

3381 a. there is no alternative location with less adverse impact on the critical area
3382 or the critical area buffer;

3383 b. the residential utility service distribution lines meet the all of the following,
3384 to the maximum extent practical:

3385 (1) are not located over habitat used for salmonid rearing or spawning or by a
3386 species listed as endangered or threatened by the state or federal government unless the
3387 department determines that there is no other feasible crossing site;

3388 (2) not located over a type S aquatic area;

3389 (3) paralleling the channel or following a down-valley route near the channel
3390 is avoided;

3391 (4) the width of clearing is minimized;

3392 (5) the removal of trees greater than twelve inches diameter at breast height is
3393 minimized;

3394 (6) an additional, contiguous and undisturbed critical area buffer, equal in
3395 area to the disturbed critical area buffer area is provided to protect the critical area;

3396 (7) access for maintenance is at limited access points into the critical area
3397 buffer.

3398 (8) the construction occurs during approved periods for instream work;

3399 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
3400 laterally constructed at least four feet below the maximum depth of scour for the base
3401 flood; and

3402 (10) open trenching across Type O or Type N aquatic areas is only used
3403 during low flow periods or only within aquatic areas when they are dry.

3404 61. Allowed if sponsored or cosponsored by the countywide flood control zone
3405 district and the department determines that the project and its location:

3406 a. is the best flood risk reduction alternative practicable;

3407 b. is part of a comprehensive, long-term flood management strategy;

3408 c. is consistent with the King County Flood Hazard Management Plan policies;

3409 d. will have the least adverse impact on the ecological functions of the critical
3410 area or its buffer, including habitat for fish and wildlife that are identified for protection

3411 in the King County Comprehensive Plan; and

3412 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

3413 62.a. Not allowed in wildlife habitat conservation areas;

3414 b. Only allowed if:

3415 (1) the project is sponsored or cosponsored by a public agency whose primary
3416 function deals with natural resources management;

3417 (2) the project is located on public land or on land that is owned by a ((~~non-~~
3418 ~~profit~~) nonprofit agency whose primary function deals with natural resources
3419 management;

3420 (3) there is not a feasible alternative location available on the site with less
3421 impact to the critical area or its associated buffer;

3422 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

3423 (5) the project minimizes the footprint of structures and the number of access
3424 points to any critical areas; and

3425 (6) the project meets the following design criteria:

3426 (A) to the maximum extent practical size of platform shall not exceed one
3427 hundred square feet;

3428 (B) all construction materials for any structures, including the platform,
3429 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
3430 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
3431 fiberglass or cured concrete that the department determines will not have an adverse
3432 impact on water quality;

3433 (C) the exterior of any structures are sufficiently camouflaged using netting
3434 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
3435 practical. The camouflage shall be maintained to retain concealment effectiveness;

3436 (D) structures shall be located outside of the wetland or aquatic area
3437 landward of the Ordinary High Water Mark or open water component (if applicable) to
3438 the maximum extent practical on the site;

3439 (E) construction occurs during approved periods for work inside the
3440 Ordinary High Water Mark;

3441 (F) construction associated with bird blinds shall not occur from March 1
3442 through August 31, in order to avoid disturbance to birds during the breeding, nesting((;))
3443 and rearing seasons;

3444 (G) to the maximum extent practical, provide accessibility for persons with
3445 physical disabilities in accordance with the International Building Code;

3446 (H) trail access is designed in accordance with public rules adopted by the
3447 department;

3448 (I) existing native vegetation within the critical area will remain undisturbed
3449 except as necessary to accommodate the proposal. Only minimal hand clearing of
3450 vegetation is allowed; and

3451 (J) disturbed bare ground areas around the structure must be replanted with
3452 native vegetation approved by the department.

3453 63. Not allowed in the severe channel migration zone, there is no alternative
3454 location with less adverse impact on the critical area and buffer and clearing is minimized
3455 to the maximum extent practical.

3456 64. Only structures wholly or partially supported by a tree and used as accessory
3457 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
3458 following:

3459 a. not allowed in wildlife habitat conservation areas or severe channel
3460 migration hazard areas;

3461 b. the structure's floor area shall not exceed two hundred square feet, excluding
3462 a narrow access stairway or landing leading to the structure;

3463 c. the structure shall be located as far from the critical area as practical, but in
3464 no case closer than seventy-five feet from the critical area;

3465 d. only one tree-supported structure within a critical area buffer is allowed on a
3466 lot;

3467 e. all construction materials for the structure, including the platform, pilings,
3468 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
3469 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
3470 fiberglass or cured concrete that the department determines will not have an adverse
3471 impact on water quality;

3472 f. to the maximum extent practical, the exterior of the structure shall be
3473 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
3474 and visibility from the critical area. The camouflage shall be maintained to retain
3475 concealment effectiveness;

3476 g. the structure must not adversely impact the long-term health and viability of
3477 the tree. The evaluation shall include, but not be limited to, the following:

3478 (1) the quantity of supporting anchors and connection points to attach the tree
3479 house to the tree shall be the minimum necessary to adequately support the structure;

3480 (2) the attachments shall be constructed using the best available tree anchor
3481 bolt technology; and

3482 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
3483 of the tree house and shall submit a report discussing how the tree's long-term health and
3484 viability will not be negatively impacted by the tree house or associated infrastructure;

3485 h. exterior lighting shall meet the following criteria:

3486 (1) limited to the minimum quantity of lights necessary to meet the building
3487 code requirements to allow for safe exiting of the structure and stairway; and

3488 (2) exterior lights shall be fully shielded and shall direct light downward, in
3489 an attempt to minimize impacts to the nighttime environment;

3490 i. unless otherwise approved by the department, all external construction shall
3491 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
3492 species during typical breeding, nesting and rearing seasons;

3493 j. trail access to the structure shall be designed in accordance with trail
3494 standards under subsection D.47. of this section;

3495 k. to the maximum extent practical, existing native vegetation shall be left
3496 undisturbed. Only minimal hand clearing of vegetation is allowed; and

3497 l. vegetated areas within the critical area buffer that are temporarily impacted
3498 by construction of the structure shall be restored by planting native vegetation according
3499 to a vegetation management plan approved by the department.

3500 65. Shoreline water dependent and shoreline water oriented uses are allowed in
3501 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
3502 chapter _____ (the new chapter created by section 16 of this ordinance), chapter 90.58
3503 RCW and the King County Comprehensive Plan.

3504 SECTION 121. Ordinance 15051, Section 139, as amended, and K.C.C.

3505 21A.24.055 are each hereby amended to read as follows:

3506 A. On a site zoned RA, the department may approve a modification of the
3507 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation
3508 areas and maximum clearing restrictions through a rural stewardship plan for single
3509 family detached residential development in accordance with this section.

3510 B. The property owner or applicant shall develop the rural stewardship plan as
3511 part of a rural stewardship program offered or approved by King County and has the
3512 option of incorporating appropriate components of a county-approved farm management
3513 or a county-approved forest stewardship plan.

3514 C. In its evaluation of any proposed modification of the minimum buffer widths
3515 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
3516 restrictions, the department shall consider the following factors:

3517 1. The existing condition of the drainage basin or marine shoreline as designated
3518 on the Basin and Shoreline Conditions Map;

3519 2. The existing condition of wetland and aquatic area buffers;

3520 3. The existing condition of wetland functions based on the adopted Washington
3521 State Wetland Rating System for Western Washington, Washington state department of
3522 ecology publication number 04-06-025, published August 2004;

3523 4. The location of the site in the drainage basin;

3524 5. The percentage of impervious surfaces and clearing on the site; and

3525 6. Any existing development on the site that was approved as a result of a
3526 variance or alteration exception that allowed development within a critical area or critical

3527 area buffer. If the existing development was approved through a variance or alteration
3528 exception, the rural stewardship plan shall demonstrate that the plan will result in
3529 enhancing the functions and values of critical areas located on the site as if the
3530 development approved through the variance or alteration exception had not occurred.

3531 D. A rural stewardship plan does not modify the requirement for permits for
3532 activities covered by the rural stewardship plan.

3533 E. Modifications of critical area buffers shall be based on the following
3534 prioritized goals:

3535 1. To the maximum extent practical, to avoid impacts to critical areas ~~((to the~~
3536 ~~maximum extent practical))~~ and, if applicable, to the shoreline jurisdiction;

3537 2. To avoid impacts to the higher quality wetland or aquatic area or the more
3538 protected fish or wildlife species, if there is a potential to affect more than one category
3539 of wetland or aquatic area or more than one species of native fish or wildlife;

3540 3. To maintain or enhance the natural hydrologic systems on the site to the
3541 maximum extent practical;

3542 4. To maintain, restore or enhance native vegetation;

3543 5. To maintain, restore or enhance the function and value of critical areas or
3544 critical area buffers located on the site;

3545 6. To minimize habitat fragmentation and enhance corridors between wetlands,
3546 riparian corridors, wildlife habitat conservation areas and other priority habitats;

3547 7. To minimize the impacts of development over time by implementing best
3548 management practices and meeting performance standards during the life of the
3549 development; and

3550 8. To monitor the effectiveness of the stewardship practices and implement
3551 additional practices through adaptive management to maintain, restore or enhance critical
3552 area functions when necessary.

3553 F. If a part or all of the site is located within the shoreline jurisdiction, the rural
3554 stewardship plan shall:

3555 1. Consider and be consistent with the goals of the Shoreline Management Act
3556 and the policies of the King County Shoreline Master Program;

3557 2. Consider the priorities of the King County Shoreline Protection and
3558 Restoration Plan; and

3559 3. Ensure no net loss of shoreline ecological functions.

3560 G. A rural stewardship plan may include, but is not limited to, the following
3561 elements:

3562 1. Critical areas designation under K.C.C. 21A.24.500;

3563 2. Identification of structures, cleared and forested areas and other significant
3564 features on the site;

3565 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3566 4. Analysis of impacts of planned changes to any existing structures, for other
3567 changes to the site that involve clearing or grading or for new development;

3568 5. Site-specific best management practices that mitigate impacts of development
3569 and that protect and enhance the ecological values and functions of the site;

3570 6. A schedule for implementation of the elements of the rural stewardship plan;
3571 and

3572 7. A plan for monitoring the effectiveness of measures approved under the rural
3573 stewardship plan and to modify if adverse impacts occur.

3574 ~~((G-))~~ H. A rural stewardship plan may be developed as part of a program offered
3575 or approved by King County and shall include a site inspection by the county to verify
3576 that the plan is reasonably likely to accomplish the goals in subsection E. of this section
3577 to protect water quality, reduce flooding and erosion, maintain, restore or enhance the
3578 function and value of critical areas and their buffers and maintain or enhance native
3579 vegetation on the site of this section.

3580 ~~((H-))~~ I. A property owner who completes a rural stewardship plan that is
3581 approved by the county may be eligible for tax benefits under the public benefit rating
3582 system in accordance with K.C.C. 20.36.100.

3583 ~~((I-))~~ J. If a property owner withdraws from the rural stewardship plan, in
3584 addition to any applicable penalties under the public benefit rating system, the following
3585 apply:

3586 1. Mitigation is required for any structures constructed in critical area buffers
3587 under the rural stewardship plan; and

3588 2. The property owner shall apply for buffer averaging or an alteration
3589 exception, as appropriate, to permit any structure or use that has been established under
3590 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3591 ~~((J-))~~ K. A rural stewardship plan is not effective until approved by the county.
3592 Before approval, the county may conduct a site inspection, which may be through a
3593 program offered or approved by King County, to verify that the plan is reasonably likely
3594 to accomplish the goals in subsection E. of this section.

3595 ~~((K.))~~ L. Once approved, activities carried out in compliance with the approved
3596 rural stewardship plan shall be deemed in compliance with this chapter. In the event of a
3597 potential code enforcement action, the department of development and environmental
3598 services shall first inform the department of natural resources and parks of the activity.

3599 ~~((Prior to))~~ Before taking code enforcement action, the department of development and
3600 environmental services shall consult with the department of natural resources and parks
3601 to determine whether the activity is consistent with the rural stewardship plan.

3602 SECTION 122. Ordinance 10870, Section 454, as amended, and K.C.C.
3603 21A.24.070 are each hereby amended to read as follows:

3604 A. The director may approve alterations to critical areas, critical area buffers and
3605 critical area setbacks not otherwise allowed by this chapter as follows:

3606 1. Except as otherwise provided in subsection A.2. of this section, ~~((F))~~for linear
3607 alterations, the director may approve alterations to critical areas, critical area buffers and
3608 critical area setbacks only when all of the following criteria are met:

3609 a. there is no feasible alternative to the development proposal with less adverse
3610 impact on the critical area;

3611 b. the proposal minimizes the adverse impact on critical areas to the maximum
3612 extent practical;

3613 c. the approval does not require the modification of a critical area development
3614 standard established by this chapter;

3615 d. the development proposal does not pose an unreasonable threat to the public
3616 health, safety or welfare on or off the development proposal site and is consistent with the
3617 general purposes of this chapter and the public interest;

3618 e. the linear alteration:

3619 (1) connects to or is an alteration to a public roadway, regional light rail
3620 transit line, public trail, a utility corridor or utility facility or other public infrastructure
3621 owned or operated by a public utility; or

3622 (2) is required to overcome limitations due to gravity; (~~and~~)

3623 2. In order to accommodate the siting of a regional light rail transit facility
3624 under RCW 36.70A.200, the director may approve alterations to critical areas, critical
3625 area buffers and critical area setbacks not otherwise allowed by this chapter and may
3626 impose reasonable conditions to minimize the impact of the light rail transit facility on
3627 the critical area and its buffer; and

3628 3. For nonlinear alterations the director may approve alterations to critical areas
3629 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic
3630 areas and wildlife habitat conservation areas, and alterations to critical area buffers and
3631 critical area setbacks, when all of the following criteria are met:

3632 a. there is no feasible alternative to the development proposal with less adverse
3633 impact on the critical area;

3634 b. the alteration is the minimum necessary to accommodate the development
3635 proposal;

3636 c. the approval does not require the modification of a critical area development
3637 standard established by this chapter;

3638 d. the development proposal does not pose an unreasonable threat to the public
3639 health, safety or welfare on or off the development proposal site and is consistent with the
3640 general purposes of this chapter and the public interest;

3641 e. for dwelling units, no more than five thousand square feet or ten percent of
3642 the site, whichever is greater, may be disturbed by structures, building setbacks or other
3643 land alteration, including grading, utility installations and landscaping, but not including
3644 the area used for a driveway or for an on-site sewage disposal system;

3645 f. to the maximum extent ~~((possible))~~ practical, access is located to have the
3646 least adverse impact on the critical area and critical area buffer;

3647 g. the critical area is not used as a salmonid spawning area; and

3648 h. the director may approve an alteration in a category II, III and IV wetland
3649 for development of a public school facility.

3650 B. The director may approve alterations to critical areas, critical area buffers and
3651 critical area setbacks if the application of this chapter would deny all reasonable use of
3652 the property~~((:-))~~ as follows:

3653 1. If the critical area, critical area buffer or critical area setback is outside of the
3654 shoreline jurisdiction, ~~((F))~~ the applicant may apply for a reasonable use exception
3655 ~~((pursuant to))~~ under this subsection without first having applied for an alteration
3656 exception under this section if the requested reasonable use exception includes relief from
3657 development standards for which an alteration exception cannot be granted ~~((pursuant to~~
3658 ~~the provisions of))~~ under this section. The director shall determine that all of the
3659 following criteria are met:

3660 a. there is no other reasonable use with less adverse impact on the critical area;

3661 b. the development proposal does not pose an unreasonable threat to the public
3662 health, safety or welfare on or off the development proposal site and is consistent with the
3663 general purposes of this chapter and the public interest;

3664 c. any authorized alteration to the critical area or critical area buffer is the
3665 minimum necessary to allow for reasonable use of the property; and

3666 d. for dwelling units, no more than five thousand square feet or ten percent of
3667 the site, whichever is greater, may be disturbed by structures, building setbacks or other
3668 land alteration, including grading, utility installations and landscaping but not including
3669 the area used for a driveway or for an on-site sewage disposal system; and

3670 2. If the critical area, critical area buffer or critical area setback is located within
3671 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a
3672 request for a shoreline variance under K.C.C. 25.32.040, as recodified by this ordinance.

3673 C. For the purpose of this section, "linear" alteration means infrastructure that
3674 supports development, that is linear in nature and includes public and private roadways,
3675 public trails, private driveways, railroads, regional light rail transit, utility corridors and
3676 utility facilities.

3677 D. Alteration exceptions approved under this section shall meet the mitigation
3678 requirements of this chapter.

3679 E. An applicant for an alteration exception shall submit a critical area report, as
3680 required by K.C.C. 21A.24.110.

3681 SECTION 123. Ordinance 11621, Section 75, as amended, and K.C.C.
3682 21A.24.275 are each hereby amended to read as follows:

3683 The following development standards apply to development proposal and
3684 alterations on sites within channel migration zones that have been mapped and adopted
3685 by public rule:

3686 A. The development standards that apply to the aquatic area buffers in K.C.C.
3687 21A.24.365 also apply to the severe channel migration zone and the portion of the
3688 moderate channel migration zone that is within the aquatic area buffer. The more-
3689 restrictive standards apply where there is a conflict;

3690 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a
3691 severe channel migration hazard area; and

3692 C. The following standards apply to development proposals and alterations
3693 within the moderate channel migration hazard area:

3694 1. Maintenance, repair or expansion of any use or structure is allowed if the
3695 existing structure's footprint is not expanded towards any source of channel migration
3696 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3697 2. New primary dwelling units, accessory dwelling units or accessory living
3698 quarters, and required infrastructure, are allowed if:

3699 a. the structure is located on a separate lot in existence on or before February
3700 16, 1995;

3701 b. a feasible alternative location outside of the channel migration hazard area is
3702 not available on-site; and

3703 c. to the maximum extent practical, the structure and supporting infrastructure
3704 is located the farthest distance from any source of channel migration hazard, unless the
3705 applicant can demonstrate that an alternative location is:

3706 (1) the least subject to risk; or

3707 (2) within the outer third of the moderate channel migration hazard area as
3708 measured perpendicular to the channel;

3709 3. New accessory structures are allowed if:
3710 a. a feasible alternative location is not available on-site; and
3711 b. to the maximum extent practical, the structure is located the farthest distance
3712 from the migrating channel; and

3713 4. The subdivision of property is allowed within the portion of a moderate
3714 channel migration hazard area located outside an aquatic area buffer if:

3715 a. All lots contain five-thousand square feet or more of buildable land outside
3716 of the moderate channel migration hazard area;

3717 b. Access to all lots does not cross the moderate channel migration hazard
3718 area; and

3719 c. All infrastructure is located outside the moderate channel migration hazard
3720 area except that an on-site septic system is allowed in the moderate channel migration
3721 hazard area if:

3722 (1) a feasible alternative location is not available on-site; and

3723 (2) to the maximum extent practical, the septic system is located the farthest
3724 distance from the migrating channel and critical saltwater habitat.

3725 SECTION 124. Ordinance 15051, Section 185, as amended, and K.C.C.

3726 21A.24.325 are each hereby amended to read as follows:

3727 Except as otherwise provided in this section, buffers shall be provided from the
3728 wetland edge as follows:

3729 A. In the Urban Growth Area, buffers for wetlands shall be established in
3730 accordance with the following standards:

3731 1. The standard buffer widths of the following table shall apply unless modified
 3732 in accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria above	125 feet
Category II	
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
Category II wetlands not meeting any of the criteria above	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet

Category III wetlands not meeting any of the criteria above	75 feet
Category IV	50 feet

3733 2. If a Category I or II wetland with habitat score greater than twenty points is
3734 located within three hundred feet of a priority habitat area as defined by the Washington
3735 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this
3736 section shall be increased by fifty feet unless:

3737 a.(i) the applicant provides relatively undisturbed vegetated corridor at least
3738 one hundred feet wide between the wetland and all priority habitat areas located within
3739 three hundred feet of the wetland. The corridor shall be protected for the entire distance
3740 between the wetland and the priority habitat through a conservation easement, native
3741 growth protection easement or the equivalent; and

3742 (ii) the applicable mitigation measures in subsection A.3.b. of this section are
3743 provided; or

3744 b. the wetland is a freshwater or deep freshwater wetland; and

3745 3. Buffers calculated in accordance with subsection A.1. and A.2. of this section
3746 shall be reduced as follows:

3747 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if
3748 the applicant implements all applicable mitigation measures identified in subsection
3749 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the
3750 impacts of the development and the department determines the alternative provides
3751 equivalent mitigation.

3752 b. The following mitigation measures may be used by an applicant to obtain a
3753 reduced buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces using low impact development measures identified in the King County Surface Water Design Manual	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas

Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to ensure at least 80% survival of plantings	All activities potentially requiring buffers

3754 B. For a wetland located outside the Urban Growth Area:

3755 1. The buffers shown on the following table apply unless modified in

3756 accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Category I wetlands not meeting any of the criteria below	125 feet
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category II	

Category II wetlands not meeting any of the criteria below	100 feet
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
Category III	
Category III wetlands not meeting any of the criteria below	75 feet
Habitat score from 20 to 28 points	125 feet
Category IV	
	50 feet

3757 2. For purposes of this subsection B., unless the director determines a lesser
 3758 level of impact is appropriate based on information provided by the applicant, the
 3759 intensity of impact of the adjacent land use is determined as follows:

3760 a. high impact includes:

- 3761 (1) sites zoned commercial or industrial;
- 3762 (2) commercial or industrial use on a site regardless of the zoning
 3763 designation;
- 3764 (3) nonresidential use on a site zoned for residential use;
- 3765 (4) active recreation use on a site regardless of zoning;

3766 b. moderate impact includes:

- 3767 (1) residential uses on sites zoned rural residential;
- 3768 (2) residential use on a site zoned agriculture or forestry; or
- 3769 (3) agricultural uses without an approved farm management plan; and

3770 c. low impact includes:

3771 (1) forestry use on a site regardless of zoning designation;

3772 (2) passive recreation uses, such as trails, nature viewing areas, fishing and
3773 camping areas((;)) and other similar uses that do not require permanent structures, on a
3774 site regardless of zoning; or

3775 (3) agricultural uses carried out in accordance with an approved farm
3776 management plan.

3777 C. The department may approve a modification of the minimum buffer width
3778 required by this section by averaging the buffer width if:

3779 1. The department determines that:

3780 a. the ecological structure and function of the buffer after averaging is
3781 equivalent to or greater than the structure and function before averaging; or

3782 b. averaging includes the corridors of a wetland complex; and

3783 2. The resulting buffer meets the following standards:

3784 a. the total area of the buffer after averaging is equivalent to or greater than the
3785 area of the buffer before averaging;

3786 b. the additional buffer is contiguous with the standard buffer; and

3787 c. if the buffer width averaging allows a structure or landscaped area to intrude
3788 into the area that was buffer area before averaging, the resulting landscaped area shall
3789 extend no more than fifteen feet from the edge of the structure's footprint toward the
3790 reduced buffer.

3791 D. Wetland buffer widths shall also be subject to modifications under the
3792 following special circumstances:

3793 1. For wetlands containing documented habitat for endangered, threatened or
3794 species of local importance, the following shall apply:

3795 a. the department shall establish the appropriate buffer, based on a habitat
3796 assessment, to ensure that the buffer provides adequate protection for the sensitive
3797 species; and

3798 b. the department may apply the buffer increase rules in subsection A.2. of this
3799 section, the buffer reduction rules in subsection A.3. of this section((7)) and the buffer
3800 averaging rules in subsection C. of this section;

3801 2. For a wetland buffer that includes a steep slope hazard area or landslide
3802 hazard area, the buffer width is the greater of the buffer width required by the wetland's
3803 category in this section or twenty-five feet beyond the top of the hazard area; and

3804 3. For a wetland complex located outside the Urban Growth Area established by
3805 the King County Comprehensive Plan or located within the Urban Growth Area in a
3806 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included
3807 as Attachment A to Ordinance 15051, the buffer width is determined as follows:

3808 a. the buffer width for each individual wetland in the complex is the same
3809 width as the buffer width required for the category of wetland;

3810 b. if the buffer of a wetland within the complex does not touch or overlap with
3811 at least one other wetland buffer in the complex, a corridor is required from the buffer of
3812 that wetland to one other wetland buffer in the complex considering the following
3813 factors:

3814 (1) the corridor is designed to support maintaining viable wildlife species that
3815 are commonly recognized to exclusively or partially use wetlands and wetland buffers
3816 during a critical life cycle stage, such as breeding, rearing((;)) or feeding;

3817 (2) the corridor minimizes fragmentation of the wetlands;

3818 (3) higher category wetlands are connected through corridors before lower
3819 category wetlands; and

3820 (4) the corridor width is a least twenty-five percent of the length of the
3821 corridor, but no less than twenty-five feet in width; and

3822 (5) shorter corridors are preferred over longer corridors;

3823 c. wetlands in a complex that are connected by an aquatic area that flows
3824 between the wetlands are not required to be connected through a corridor;

3825 d. the department may exclude a wetland from the wetland complex if the
3826 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3827 that are commonly recognized to exclusively or partially use wetlands and wetland
3828 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

3829 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
3830 allowed in corridors subject to the same conditions and requirements as wetland buffers
3831 as long as the alteration is designed so as not to disrupt wildlife movement through the
3832 corridor;

3833 4. Where a legally established roadway transects a wetland buffer, the
3834 department may approve a modification of the minimum required buffer width to the
3835 edge of the roadway if the part of the buffer on the other side of the roadway sought to be
3836 reduced:

3837 a. does not provide additional protection of the proposed development or the
3838 wetland; and

3839 b. provides insignificant biological, geological or hydrological buffer functions
3840 relating to the other portion of the buffer adjacent to the wetland; and

3841 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,
3842 the buffer widths shall be established under the rural stewardship plan and shall not
3843 exceed the standard for a low impact land use, unless the department determines that a
3844 larger buffer is necessary to achieve no net loss of wetland ecological function.

3845 E. The department may approve a modification to the buffers established in
3846 subsections A. and B. of this section if the wetland was created or its characterization was
3847 upgraded as part of a voluntary enhancement or restoration project.

3848 F. If the site is located within the shoreline jurisdiction, the department shall
3849 determine that a proposal to reduce wetland buffers under this section will result in no net
3850 loss of shoreline ecological functions.

3851 SECTION 125. Ordinance 15051, Section 193, as amended, and K.C.C.
3852 21A.24.358 are each hereby amended to read as follows:

3853 A. Aquatic area buffers shall be measured as follows:

3854 1. From the ordinary high water mark or from the top of bank if the ordinary
3855 high water mark cannot be identified;

3856 2. If the aquatic area is located within a mapped severe channel migration area,
3857 the aquatic area buffer width shall be the greater of the aquatic area buffer width as
3858 measured consistent with subsection A.1. of this section or the outer edge of the severe
3859 channel migration area; and

3860 3. If the aquatic area buffer includes a steep slope hazard area or landslide
3861 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in
3862 this section or the top of the hazard area.

3863 B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

3864 1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;

3865 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"
3866 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

3867 3. A type N aquatic area buffer is sixty-five-feet; and

3868 4. A type O aquatic area buffer is twenty-five-feet.

3869 C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

3870 1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

3871 2. A type N aquatic area buffer is sixty-five-feet; and

3872 3. A type O aquatic area buffer is twenty-five-feet.

3873 D. Within the Bear Creek drainage basin a type N aquatic area buffer in a
3874 designated regionally significant resource area is one-hundred-feet.

3875 E. The department may approve a modification of buffer widths if:

3876 1.a. The department determines that through buffer averaging the ecological
3877 structure and function of the resulting buffer is equivalent to or greater than the structure
3878 and function before averaging and meets the following standards:

3879 ~~((a-))~~ i. ~~((F))~~the total area of the buffer is not reduced;

3880 ~~((b-))~~ ii. ~~((F))~~the buffer area is contiguous; and

3881 ~~((e-))~~ iii. ~~((A))~~ averaging does not result in the reduction of the minimum
3882 buffer for the buffer area waterward of the top of the associated steep slopes or for a
3883 severe channel migration hazard area;

3884 ~~((2-))~~ b. ~~((F))~~ the applicant demonstrates that the buffer cannot provide certain
3885 functions because of soils, geology or topography, ~~((provided that))~~ in which case the
3886 department shall establish a buffer ~~((which))~~ width that protects the remaining ecological
3887 functions that the buffer can provide;

3888 ~~((3-))~~ c. ~~((F))~~ the site is zoned RA and is subject to an approved rural
3889 stewardship plan. In modifying the buffers, the department shall consider factors such as,
3890 the basin and shoreline condition, the location of the site within the basin and shoreline,
3891 the buffer condition and the amount of clearing;

3892 ~~((4- A))~~ d. a legally established roadway transects an aquatic area buffer, the
3893 roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the
3894 buffer on the other side of the roadway provides insignificant biological or hydrological
3895 function in relation to the portion of the buffer adjacent to the aquatic area; ~~((and))~~ or

3896 ~~((5-))~~ e. ~~((F))~~ the aquatic area is created or its type is changed as a result of
3897 enhancement or restoration projects that are not mitigation for a development proposal or
3898 alteration; and

3899 2. If the site is located within the shoreline jurisdiction, that no net loss of
3900 shoreline ecological functions will result when considering projects that combine reduced
3901 buffers and habitat restoration.

3902 SECTION 126. Ordinance 10870, Section 14, as amended, and K.C.C.
3903 21A.02.040 are each hereby amended to read as follows:

3904 A. No development, use or structure shall be established, substituted, expanded,
3905 constructed, altered, moved, maintained, or otherwise changed except in conformance
3906 with this title.

3907 B. Creation of or changes to lot lines shall conform with the use provisions,
3908 dimensional and other standards, and procedures of this title and Title 19, Subdivisions.

3909 C. All land uses and development authorized by this title shall comply with all
3910 other regulations and or requirements of this title as well as any other applicable local,
3911 state or federal law. Where a difference exists between this title and other county
3912 regulations, the more restrictive requirements shall apply.

3913 D. Where more than one part of this title applies to the same aspect of a proposed
3914 use or development, the more restrictive requirement shall apply.

3915 E. Temporary uses or activities, conducted during an emergency event, or
3916 training exercises conducted at emergency sites, designated pursuant to an emergency
3917 management plan, shall not be subject to the provisions of this title.

3918 NEW SECTION. SECTION 127. A new section is hereby added to K.C.C.
3919 chapter 21A.06 to read as follows:

3920 No net loss of shoreline ecological function: the maintenance of the aggregate
3921 total of King County shoreline ecological functions over time. The no net loss standard
3922 in WAC 173-26-186 requires that the impacts of shoreline use or development, whether
3923 permitted or exempt from permit requirements, be identified and mitigated such that there
3924 are no resulting adverse impacts on ecological functions or processes.

3925 NEW SECTION. SECTION 128. A new section is hereby added to K.C.C.
3926 chapter 21A.06 to read as follows:

3927 Critical saltwater habitat: all kelp beds, eelgrass beds, spawning and holding
3928 areas for forage fish, such as herring, smelt and sandlance; and subsistence, commercial
3929 and recreational shellfish beds; and mudflats, intertidal habitats with vascular plants and
3930 areas with which priority species have a primary association.

3931 NEW SECTION. SECTION 129. A new section is hereby added to the chapter
3932 created by section 16 of this ordinance to read as follows:

3933 A. Mitigation measures shall be applied in the following sequence of steps listed
3934 in order of priority, with subsection A.1. of this section being top priority:

3935 1. Avoiding the impact altogether by not taking a certain action or parts of an
3936 action;

3937 2. Minimizing impacts by limiting the degree or magnitude of the action and its
3938 implementation by using appropriate technology or by taking affirmative steps to avoid
3939 or reduce impacts;

3940 3. Rectifying the impact by repairing, rehabilitating or restoring the affected
3941 environment;

3942 4. Reducing or eliminating the impact over time by preservation and
3943 maintenance operations;

3944 5. Compensating for the impact by replacing, enhancing or providing substitute
3945 resources or environments; and

3946 6. Monitoring the impact and the compensation projects and taking appropriate
3947 corrective measures.

3948 B. In determining appropriate mitigation measures applicable to shoreline
3949 development, lower priority measures shall be applied only where higher priority
3950 measures are determined to be infeasible or inapplicable.

3951 C. Mitigation shall be designed to:

3952 1. Achieve no net loss of ecological functions for each new development;

3953 2. Not require mitigation in excess of that necessary to assure that the
3954 development will result in no net loss of shoreline ecological functions; and

3955 3. Not result in a significant adverse impact on other shoreline ecological
3956 functions.

3957 D. When compensatory measures are appropriate under the mitigation priority
3958 sequence in subsection A. of this section, preferential consideration shall be given to
3959 measures that replace the impacted functions directly and in the immediate vicinity of the
3960 impact. The department may approve alternative compensatory mitigation within the
3961 watershed if the mitigation addresses limiting factors or identified critical needs for
3962 shoreline resource conservation based on watershed or comprehensive resource
3963 management plans applicable to the area of impact. The department may require
3964 appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline
3965 ecological functions as conditions of approval for compensatory mitigation measures.

3966 SECTION 130. Ordinance 11621, Section 20, as amended, and K.C.C.
3967 21A.06.182 are each hereby amended to read as follows:

3968 Channel migration zone: those areas within the lateral extent of likely stream
3969 channel movement that are subject to risk due to stream bank destabilization, rapid

3970 stream incision, stream bank erosion and shifts in the location of stream channels as
3971 follows:

3972 A. In areas located outside King County's shoreline jurisdiction, channel
3973 migration zones are as shown on King County's Channel Migration Zone maps. In those
3974 areas, "channel migration zone" means the corridor that includes the present
3975 channel, the severe channel migration hazard area and the moderate channel migration
3976 hazard area;

3977 B. In areas located in King County's shoreline jurisdiction, channel migration
3978 zones include:

3979 1. Areas shown on King County's Channel Migration Zone maps, including
3980 both the severe channel migration hazard area and the moderate channel migration hazard
3981 area; and

3982 2. Areas not shown on King County's Channel Migration Zone maps but located
3983 within the floodplain;

3984 C. "Channel migration zone" does not include areas that lie behind an arterial
3985 road, a public road serving as a sole access route, a state or federal highway or a
3986 railroad; and

3987 D. "Channel migration zone" may exclude areas that lie behind a lawfully
3988 established flood protection facility that is likely to be maintained by existing programs
3989 for public maintenance consistent with designation and classification criteria specified by
3990 public rule. When a natural geologic feature affects channel migration, the channel
3991 migration zone width will consider such natural constraints.

3992 NEW SECTION. SECTION 131. A new section is hereby added to the chapter
3993 created by section 16 of this ordinance to read as follows:

3994 In the channel migration zone in the shoreline jurisdiction, to the maximum extent
3995 practical, new development shall be located and designed to avoid the need for future
3996 shoreline stabilization.

3997 SECTION 132. K.C.C. 25.08.030, as amended by this ordinance, is recodified as
3998 a new section in the K.C.C. chapter 21A.06.

3999 SECTION 133. Ordinance 3688, Section 202, as amended, and K.C.C. 25.08.030
4000 are each hereby amended to read as follows:

4001 (~~"Aquatic resource practices" means~~) Aquaculture: the culture or farming of fin
4002 fish, shellfish, algae or other plants or animals in fresh or marine waters. (~~Excluded~~
4003 ~~from the definition of aquatic resource practices are~~) Aquaculture does not include:
4004 related commercial or industrial uses such as wholesale or retail sales; or final processing,
4005 packing(;) or freezing.

4006 SECTION 134. Work program. The council hereby adopts the following work
4007 program item as part of the 2010 King County Comprehensive Plan update:

4008 The executive shall undertake a comprehensive evaluation of parcels that have
4009 intense land use zoning but that are also shorelines that are of high ecological quality,
4010 warranting preservation or conservation. This evaluation shall include at least the Glacier
4011 Northwest properties on Maury Island (tax parcel numbers 2822030-9023, 282203-9057,
4012 282203-9024 and 282203-9025). The evaluation of such properties and any proposed
4013 revisions to policies, codes and shoreline environment designations shall be included as
4014 part of the executive's proposed 2012 Comprehensive Plan update.

- 4015 SECTION 135. K.C.C. 7.02.010 is hereby decodified.
- 4016 SECTION 136. K.C.C. 23.02.020 is hereby decodified.
- 4017 SECTION 137. The following are each hereby repealed:
- 4018 A. Ordinance 3688, Section 101, and K.C.C. 25.04.010;
- 4019 B. Ordinance 3688, Section 102, and K.C.C. 25.04.020;
- 4020 C. Ordinance 11622, Section 1, and K.C.C. 25.04.025;
- 4021 D. Ordinance 3688, Section 103, and K.C.C. 25.04.030;
- 4022 E. Ordinance 3688, Section 106, and K.C.C. 25.04.060;
- 4023 F. Ordinance 11700, Section 45, as amended, and K.C.C. 25.08.015;
- 4024 G. Ordinance 3688, Section 203, and K.C.C. 25.08.040;
- 4025 H. Ordinance 3688, Section 204, and K.C.C. 25.08.050;
- 4026 I. Ordinance 3688, Section 205, and K.C.C. 25.08.060;
- 4027 J. Ordinance 3688, Section 206, and K.C.C. 25.08.070;
- 4028 K. Ordinance 3688, Section 207, and K.C.C. 25.08.080;
- 4029 L. Ordinance 3688, Section 210, and K.C.C. 25.08.110;
- 4030 M. Ordinance 3688, Section 211, and K.C.C. 25.08.120;
- 4031 N. Ordinance 3688, Section 212, and K.C.C. 25.08.130;
- 4032 O. Ordinance 3688, Section 213, and K.C.C. 25.08.140;
- 4033 P. Ordinance 3688, Section 214, as amended, and K.C.C. 25.08.150;
- 4034 Q. Ordinance 3688, Section 215, and K.C.C. K.C.C. 25.08.160;
- 4035 R. Ordinance 3688, Section 216, and K.C.C. 25.08.170;
- 4036 S. Ordinance 3688, Section 217, and K.C.C. 25.08.180;
- 4037 T. Ordinance 5734, Section 1, and K.C.C. 25.08.185;

- 4038 U. Ordinance 3688, Section 219, and K.C.C. 25.08.200;
- 4039 V. Ordinance 3688, Section 221, and K.C.C. 25.08.220;
- 4040 W. Ordinance 3688, Section 223, and K.C.C. 25.08.240;
- 4041 X. Ordinance 3688, Section 225, and K.C.C. 25.08.260;
- 4042 Y. Ordinance 3688, Section 226, and K.C.C. 25.08.270;
- 4043 Z. Ordinance 3688, Section 227, and K.C.C. 25.08.280;
- 4044 AA. Ordinance 5734, Section 1, and K.C.C. 25.08.285;
- 4045 BB. Ordinance 4222, Section 2, and K.C.C. 25.08.300;
- 4046 CC. Ordinance 3688, Section 229, and K.C.C. 25.08.310;
- 4047 DD. Ordinance 3688, Section 230, and K.C.C. 25.08.320;
- 4048 EE. Ordinance 3688, Section 231, and K.C.C. 25.08.330;
- 4049 FF. Ordinance 3688, Section 232, and K.C.C. 25.08.340;
- 4050 GG. Ordinance 3688, Section 233, and K.C.C. 25.08.350;
- 4051 HH. Ordinance 3688, Section 235, and K.C.C. 25.08.360;
- 4052 II. Ordinance 3688, Section 236, and K.C.C. 25.08.380;
- 4053 JJ. Ordinance 3688, Section 238, and K.C.C. 25.08.390;
- 4054 KK. Ordinance 3688, Section 239, and K.C.C. 25.08.410;
- 4055 LL. Ordinance 3688, Section 240, and K.C.C. 25.08.420;
- 4056 MM. Ordinance 3688, Section 241, and K.C.C. 25.08.430;
- 4057 NN. Ordinance 3688, Section 242, and K.C.C. 25.08.440;
- 4058 OO. Ordinance 3688, Section 243, and K.C.C. 25.08.450;
- 4059 PP. Ordinance 3688, Section 252, and K.C.C. 25.08.500;
- 4060 QQ. Ordinance 3688, Section 250, and K.C.C. 25.08.520.

- 4061 RR. Ordinance 3688, Section 244, and K.C.C. 25.08.530;
- 4062 SS. Ordinance 3688, Section 245, and K.C.C. 25.08.540;
- 4063 TT. Ordinance 3688, Section 253, and K.C.C. 25.08.550;
- 4064 UU. Ordinance 3688, Section 254, and K.C.C. 25.08.560;
- 4065 VV. Ordinance 5734, Section 1, and K.C.C. 25.08.565;
- 4066 WW. Ordinance 3688, Section 256, and K.C.C. 25.08.580;
- 4067 XX. Ordinance 12750, Section 1, and K.C.C. 25.08.604;
- 4068 YY. Ordinance 3688, Section 259, and K.C.C. 25.08.610;
- 4069 ZZ. Ordinance 3688, Section 301, and K.C.C. 25.12.010;
- 4070 AAA. Ordinance 3688, Section 304, and K.C.C. 25.12.040;
- 4071 BBB. Ordinance 3688, Section 401, and K.C.C. 25.16.010;
- 4072 CCC. Ordinance 3688, Section 402, and K.C.C. 25.16.020;
- 4073 DDD. Ordinance 3688, Section 403, as amended, and K.C.C. 25.16.030;
- 4074 EEE. Ordinance 3688, Section 404, as amended, and K.C.C. 25.16.040;
- 4075 FFF. Ordinance 3688, Section 405, as amended, and K.C.C. 25.16.050;
- 4076 GGG. Ordinance 3688, Section 406, and K.C.C. 25.16.060;
- 4077 HHH. Ordinance 3688, Section 407, and K.C.C. 25.16.070;
- 4078 III. Ordinance 3688, Section 409(1), as amended, and K.C.C. 25.16.090;
- 4079 JJJ. Ordinance 3688, Section 409(2), as amended, and K.C.C. 25.16.100;
- 4080 KKK. Ordinance 3688, Section 409(3), and K.C.C. 25.16.110;
- 4081 LLL. Ordinance 3688, Section 409(5), and K.C.C. 25.16.130;
- 4082 MMM. Ordinance 3688, Section 409(6), as amended, and K.C.C. 25.16.140;
- 4083 NNN. Ordinance 3688, Section 412, and K.C.C. 25.16.170;

- 4084 OOO. Ordinance 3688, Section 501, and K.C.C. 25.20.010;
- 4085 PPP. Ordinance 3688, Section 502, and K.C.C. 25.20.020;
- 4086 QQQ. Ordinance 3688, Section 503, as amended, and K.C.C. 25.20.030;
- 4087 RRR. Ordinance 3688, Section 504, and K.C.C. 25.20.040;
- 4088 SSS. Ordinance 3688, Section 505, and K.C.C. 25.20.050;
- 4089 TTT. Ordinance 3688, Section 507, and K.C.C. 25.20.070;
- 4090 UUU. Ordinance 3688, Section 508, and K.C.C. 25.20.080;
- 4091 VVV. Ordinance 3688, Section 509, as amended, and K.C.C. 25.20.090;
- 4092 WWW. Ordinance 3688, Section 510, as amended, and K.C.C. 25.20.100;
- 4093 XXX. Ordinance 3688, Section 511, and K.C.C. 25.20.110;
- 4094 YYY. Ordinance 3688, Section 512, and K.C.C. 25.20.120;
- 4095 ZZZ. Ordinance 3688, Section 513, and K.C.C. 25.20.130;
- 4096 AAAA. Ordinance 3688, Section 514, as amended, and K.C.C. 25.20.140;
- 4097 BBBB. Ordinance 3688, Section 515, and K.C.C. 25.20.150;
- 4098 CCCC. Ordinance 3688, Section 601, and K.C.C. 25.24.010;
- 4099 DDDD. Ordinance 3688, Section 602, and K.C.C. 25.24.020;
- 4100 EEEE. Ordinance 3688, Section 603, as amended, and K.C.C. 25.24.030;
- 4101 FFFF. Ordinance 3688, Section 604, and K.C.C. 25.24.040;
- 4102 GGGG. Ordinance 3688, Section 605, and K.C.C. 25.24.050;
- 4103 HHHH. Ordinance 3688, Section 606, and K.C.C. 25.24.060;
- 4104 IIII. Ordinance 3688, Section 607, and K.C.C. 25.24.070;
- 4105 JJJJ. Ordinance 3688, Section 608, as amended, and K.C.C. 25.24.080;
- 4106 KKKK. Ordinance 3688, Section 609, as amended, and K.C.C. 25.24.090;

- 4107 LLLL. Ordinance 3688, Section 610, as amended, and K.C.C. 25.24.100;
- 4108 MMMM. Ordinance 3688, Section 611, and K.C.C. 25.24.110;
- 4109 NNNN. Ordinance 3688, Section 612, and K.C.C. 25.24.120;
- 4110 OOOO. Ordinance 3688, Section 613, as amended, and K.C.C. 25.24.130;
- 4111 PPPP. Ordinance 3688, Section 614, as amended, and K.C.C. 25.24.140;
- 4112 QQQQ. Ordinance 3688, Section 615, and K.C.C. 25.24.150;
- 4113 RRRR. Ordinance 3688, Section 701, and K.C.C. 25.28.010;
- 4114 SSSS. Ordinance 3688, Section 702, and K.C.C. 25.28.020;
- 4115 TTTT. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.030;
- 4116 UUUU. Ordinance 3688, Section 704, and K.C.C. 25.28.040;
- 4117 VVVV. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.050;
- 4118 WWWW. Ordinance 3688, Section 706, and K.C.C. 25.28.060;
- 4119 XXXX. Ordinance 3688, Section 707, and K.C.C. 25.28.070;
- 4120 YYYYY. Ordinance 3688, Section 708, as amended, and K.C.C. 25.28.080;
- 4121 ZZZZ. Ordinance 3688, Section 709, as amended, and K.C.C. 25.28.090;
- 4122 AAAAA. Ordinance 3688, Section 710, as amended, and K.C.C. 25.28.100;
- 4123 BBBBB. Ordinance 3688, Section 711, and K.C.C. 25.28.110;
- 4124 CCCCC. Ordinance 3688, Section 712, and K.C.C. 25.28.120;
- 4125 DDDDD. Ordinance 3688, Section 713, and K.C.C. 25.28.130;
- 4126 EEEEE. Ordinance 3688, Section 714, as amended, and K.C.C. 25.28.140;
- 4127 FFFFF. Ordinance 3688, Section 715, and K.C.C. 25.28.150;
- 4128 GGGGG. Ordinance 3688, Section 808, as amended, and K.C.C. 25.32.080;
- 4129 HHHHH. Ordinance 3688, Section 809, as amended, and K.C.C. 25.32.090;

4130 IIIII. Ordinance 3688, Section 811, and K.C.C. 25.32.110;

4131 JJJJJ. Ordinance 3688, Section 812, and K.C.C. 25.32.120;

4132 KKKKK. Ordinance 13687, Section 5, and K.C.C. 25.32.160; and

4133 LLLLL. Ordinance 13687, Section 6, and K.C.C. 25.32.170.

4134 SECTION 138. In accordance with K.C.C. 20.44.080, the metropolitan King

4135 County council finds that the requirements for environmental analysis, protections and

4136 mitigation measures in the chapters of K.C.C. Title 21A amended by this ordinance,

4137 provide adequate analysis of and mitigation for the specific adverse environmental

4138 impacts to which the requirements apply.

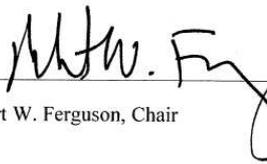
4139 SECTION 139. If any provision of this ordinance or its application to any person

4140 or circumstance is held invalid, the remainder of the ordinance or the application of the
4141 provision to other persons or circumstances is not affected.
4142

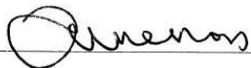
Ordinance 16985 was introduced on 11/16/2009 and passed by the Metropolitan King County Council on 11/30/2010, by the following vote:

Yes: 5 - Mr. Phillips, Mr. Gossett, Ms. Patterson, Mr. Ferguson and Mr. McDermott
No: 1 - Ms. Lambert
Excused: 3 - Mr. von Reichbauer, Ms. Hague and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 30 day of NOVEMBER 2010.


Dow Constantine, County Executive

Attachments: A. Chapter Five --Shoreline Management – Dated November 16, 2010