



**DRAFT
KING COUNTY
SHORELINE MASTER PROGRAM**

**King County Shoreline
Master Plan**

Contains:
*Shoreline Inventory and Characterization:
Methodology and Results*

May 2007



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King County Shorelines Master Plan

Draft – June 2007

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INTRODUCTION

Findings of Fact:

King County adopts the following findings of fact, which are based on the Shoreline Management Act's legislative findings in RCW 90.58.020. These findings of fact represent King County's belief and agreement that a coordinated approach to utilizing, managing, and protecting the shoreline resource is necessary and essential. These findings apply to the entire shoreline zone (shorelines and the shorelines of statewide significance).

1. The shoreline zone is the most valuable and fragile of King County's natural resources. There is appropriate concern throughout the County relating to the utilization, protection, restoration, and preservation of the shoreline zone.
2. Ever increasing pressures of additional use is being placed on the shoreline zone, which in turn necessitates increased coordination in its management and development.
3. Much of the shoreline zone and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shoreline zone is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline zone while, at the same time, recognizing and protecting private property rights consistent with the public interest.
4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of King County's shoreline zone.
5. It is the intent of King County to provide for the management of the shoreline zone by planning for and fostering all reasonable and appropriate uses. This program is designed to insure the development in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.
6. King County shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
7. In the implementation of these facts, the public's opportunity to enjoy the physical and aesthetic qualities of natural shoreline zone shall be

- preserved to the greatest extent feasible consistent with the overall best interest of the state, the County, and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.
8. Alterations of the natural condition of the shoreline zone, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to the shoreline zone, industrial and commercial developments which are particularly dependent on their location on or use of the shoreline zone, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shoreline zone.
 9. Shorelines and shorelands in King County shall be appropriately classified and these classifications shall be revised when circumstances warrant, regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of King County Shoreline Master Program.
 10. Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline zone and any interference with the public's use of the water.

A. About King County & King County Shorelines

1. Geography and population

King County covers 2,130 square miles and extends from Puget Sound in the west to 8,000-foot Mt. Daniel at the Cascade crest in the east. King County's shoreline zone includes saltwater coastline, river floodplains, and extensive lakes and streams.

With more than 1.7 million people, King County is the most populated county in Washington State and the 13th largest in the nation. Unincorporated King County, the territory outside of cities, includes about 352,000 people. This equates to 20% of the County's population on 82% of its land area. King County's population has grown by 11% since 1994, and is expected to grow another 15% by 2022 (King County 2004A).

2. King County's shoreline zone

King County's diverse shoreline zones fringe or flow into Puget Sound. Puget Sound and surrounding lowland lakes and river valleys are relatively young in geologic terms. Puget Sound is a glacially-carved, deep fjord between the Cascade and Olympic Mountains.

Puget Sound is King County's link to the Pacific Ocean via two connections: the Strait of Juan de Fuca and the Strait of Georgia. Water, people and a diverse array of fish and wildlife travel freely between the ocean and King County via the Sound and these straits.

Puget Sound is a large estuary complex created by the freshwater it receives from streams, rivers and springs and tidal exchange introduced through the two straits. It is one of the more prominent and productive estuaries in the world. In 1988, it was identified as an Estuary of National Significance by the U.S. government. Within the Sound are numerous small to large estuaries. The largest estuary in King County is the Green-Duwamish, although it is now a small remnant of its pre-development state.

King County's portion of the Sound lies within the Central Basin and includes Vashon-Maury Island. The Central or Main Basin extends from Admiralty Inlet to Tacoma Narrows. It is the largest and deepest of the five basins in Puget Sound. The major drainages to the Central basin, including Cedar River/Lake Washington watershed (including Lake Sammamish and the Sammamish River), the Green-Duwamish watershed, and Puyallup River/White River watershed, drain a total area of about 2,700 square miles and contribute slightly less than 20% of Puget Sound's freshwater input. The Snohomish watershed (including the Snoqualmie River basin that lies mostly in King County) outlet into Puget Sound lies in Everett.

Puget Sound is a region that has great overlap between valuable natural resources and a burgeoning human population. The productivity, diversity and value of the resources are greatly affected by the extent and density of the population. Due to proximity to transportation routes and abundant food and water resources, most of the region's human development since the mid-1800s, when settlers of European descent started to explore and develop the region, has occurred along Puget Sound's shorelines, large lakes and rivers.

B. Washington State's Shoreline Management Act ("SMA")

1. Overview of SMA

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The Act establishes a broad policy giving preference to uses that:

- protect the quality of water and the natural environment,

- depend on proximity to the shoreline (“water-dependent uses”), and
- preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Cities and counties are the primary regulators but the state (through the Department of Ecology) has authority to review local programs and permit decisions.

Under the SMA, each city and county adopts a shoreline master program that is based on state guidelines but tailored to the specific needs of the community. The state guidelines are adopted by Ecology. More than 200 cities and all 39 counties have shoreline master programs. Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Ecology provides technical assistance to all local governments undertaking master program amendments. Master programs and master program amendments are only effective after Ecology’s approval. In reviewing master programs, Ecology is limited to a decision on whether or not the proposed changes are consistent with the policy and provisions of the Act and state master program guidelines.

Local governments may modify master programs to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement. At a minimum, local governments must hold public hearings. In 2003, Ecology adopted revised state guidelines. Cities and counties with shoreline master programs are required to update their shoreline master programs to bring them into compliance with these new state guidelines. King County is required to adopt its update shoreline master program by December 1, 2009.

2. History of shoreline management in King County

King County adopted its original Shoreline Master Program through two ordinances adopted by the King County Council and approved by the King County Executive, John Spellman, on May 2, 1978. Ordinance 3692 adopted the Shoreline Master Plan, which established the goals, objectives, and policies of the King County Shoreline Master Program. Ordinance 3688 adopted the development regulations that implemented the Shoreline Master Plan. By a letter dated June 30, 1978, Ecology stated that it had approved King County’s Shoreline Master Program, with one exception.

The 1978 Shoreline Master Plan addressed the required elements of the shoreline guidelines originally adopted by Ecology in 1972. The 1978 Plan established goals, objectives, and policies for eight different shoreline elements. For each of the four shoreline environments, it also established general policies. The 1978 Plan stated that:

"Each environment represents a particular emphasis in the type of uses and the extent of development that should occur within it. The system is designed to

encourage uses in each Environment which enhance the character of the Environment while at the same time requiring reasonable standards and restrictions on development so that the character of the Environment is not destroyed."

Finally, the 1978 Shoreline Master Plan included general policies for a variety of different shoreline use activities, including agriculture, mining, recreation, and residential development.

The shoreline regulations adopted by Ordinance 3688 were codified in K.C.C. Title 25. The regulations establish the designation criteria, the allowed uses, and development standards for the four shoreline environments recognized by the 1972 state guidelines.

The Shoreline Management Act includes a requirement that development proposals must obtain a shoreline substantial development permit. However, the SMA includes a number of exemptions from this requirement. For example, proposals to construct a single family residence or to construct a bulkhead to protect a single family residence are exempt from the requirement to obtain a substantial development permit. Even though exempt from the shoreline permit requirements, development within the shoreline jurisdiction is required to comply with the requirements of the Shoreline Management Act, the state guidelines, and King County's Shoreline Master Program. In order to ensure that exempt activities do comply with the SMA and the King County Shoreline Master Program, King County requires applicants that are exempt from the requirement to obtain a shoreline substantial development permit to apply for a shoreline exemption.

In 1990, the King County Council adopted Ordinance 9614 regulations governing environmentally sensitive areas, some of which include areas also within shoreline jurisdiction. King County's updated its critical areas regulations effective January 1, 2005. King County's Critical Areas Regulations and its Shoreline Master Program both provide that the regulations that are most protective of the environment apply in the case of a conflict. King County's Critical Areas Regulations are generally more protective of the environment and, therefore, often supplant Shoreline Master Program development regulations.

3. Shoreline jurisdiction under the SMA

Shorelines of the State in King County, as defined by the Washington State Shoreline Management Act, include all marine shorelines, lakes greater than 20 acres, and rivers and streams with a minimum of 20 cubic feet per second (cfs) mean annual flow. The shoreline jurisdiction includes these water bodies and shorelands. Shorelands are defined as those areas extending landward for two hundred feet from the ordinary high water mark, floodways and contiguous floodplain areas landward two hundred feet from such

floodways, and all associated wetlands¹ and river deltas. King County currently includes the zero-rise floodway, essentially the 100-year floodplain, in its shoreline jurisdiction².

Ecology has determined that shorelines on federal lands should be included in local shoreline master programs. These shorelines were not previously included in King County's 1978 Shoreline Master Program. In addition, Ecology directed King County to use new data from the US Geological Survey in identifying the point where streams meet the 20 cfs threshold. *Determination of Upstream Boundaries on Western Washington Streams and Rivers under the Requirements of the Shoreline Management Act of 1971* (US Geological Study, 1998). These threshold locations were used to identify the full extent of streams and rivers that should be managed under the Shoreline Master Program.

No study was required to identify marine shorelines. Vashon-Maury Island is the only unincorporated marine shoreline in King County; all other marine shorelines in King County are in incorporated areas and managed by cities.

Fifty lakes are proposed to be added to King County's jurisdiction based on State direction to include federal lands. One lake is proposed to be removed. The addition of 50 lakes nearly doubles the number of lakes regulated by the Program. Most of the added lakes are found in areas with natural or nearly natural conditions, with land use generally limited alpine recreational activity, as is typical on federal forest lands and recreation areas, or with some level of part or present forest practices.

See the Shorelines Technical Appendix E for further description of the methods used to prepare the draft updated shoreline jurisdiction map.

Table 1 below shows the number of shoreline miles managed under the current Program, and additional miles that are included in the revised program

¹ For the purposes of the analysis to update King County's shoreline jurisdiction, associated wetlands include all wetlands that are fully or partially within the shoreland area.

² For the purposes of the King County Shoreline Master Program, *floodways and contiguous floodplain areas 200 feet from such floodways* are defined as those zero-rise floodways that are adjacent to shorelines of the state. Zero-rise floodway is defined in King County Code 21A.06.505 as "the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation. A. *measurable increase in base flood elevation* means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain. Zero-rise floodway is broader than the FEMA floodway, but always includes the FEMA floodway. B. Zero-rise floodway includes the entire floodplain unless a critical areas report demonstrates otherwise."

Table 1. Miles of shoreline under current and proposed jurisdiction

	Shoreline (miles)		
	Lake	River/Stream	Marine
Current Jurisdiction (Existing Shoreline Master Program)	162	1,196	51
Potential Extension of Jurisdiction (proposed draft updated shoreline jurisdiction)	72	500	0
Total	234	1,696	51

C. King County's Shoreline Master Program

To comply with the requirements of the SMA, King County has adopted a Shoreline Master Program. King County's Shoreline Master Program provides a legal framework for decision making on land use and other activities within King County's shoreline jurisdiction. This section describes the elements of the Shoreline Master Program, with the details being further developed throughout this plan.

1. Components of the Shoreline Master Program

The King County Shoreline Master Program consists of three elements: The Shoreline Master Plan (this document, part 1 of the first volume), Shoreline Appendices (published with Part 1 except for Appendix E, which is a separate volume), and shoreline development regulations (Part 2, codified in King County Code, Title 25A). A separate Map Folio contains all the maps referred to throughout the text.

Shoreline Master Plan: This document describes King County's shoreline goals and policies. It addresses the shoreline jurisdiction, overall shoreline policy goals, shoreline element policies, Shoreline Master Program relationship other laws, shoreline environment designations, environmental protection, shoreline use and modification, and administrative policies. See, www.metrokc.gov/shorelines

Appendix A: Shoreline Restoration Plan: The Shoreline Restoration Plan summarizes the methods and results of King County's shoreline analysis with respect to restoration planning, the elements and applicability of the SMP restoration plan, and the ways in which shoreline restoration is expected to occur over time.

Appendix B: Shoreline Public Access Plan: The King County Shorelines Technical Appendix includes an inventory of existing formal and informal shoreline public access opportunities in the unincorporated area, and identifies gaps in public access opportunities. This Public Access Plan describes King County's draft priorities for providing new public access to major shorelines in the unincorporated area.

Appendix C: Cumulative Impacts Analysis: The Shoreline cumulative impacts analysis provides a mechanism for examining the success of County policies and regulations in meeting no-net-loss goal contained in the state guidelines for the Shoreline Master Program update.

Appendix D: Shoreline Master Program Checklist and Public Involvement

Process: Two background documents show how King County met the State procedural requirements for updating the Program: the Shoreline Master Program Checklist and Public Involvement Process, and the elements of the Shorelines Technical Appendix.

Appendix E: Shorelines Technical Appendix: The Technical Appendix includes the data and analytic methods used to develop King County’s shoreline inventory and shoreline characterization (including evaluation of existing physical and ecological processes and functions, public access and recreation, land use and economic development, public facilities and utilities, and archaeological and historic resources). In addition, the Technical Appendix includes methodologies for cumulative impact analysis associated with shoreline management and comprehensive shoreline restoration planning. Specific data on-line can be found at:

<http://www.metrokc.gov/shorelines/shorelines-plan-update.aspx>

Development Regulations: The goals and policies set forth in the Shoreline Master Plan (Part 1 of the Master Program) are made effective through the regulations adopted in the King County Code. These include land use and development regulations and enforcement regulations (described in Part 2 of the Master Program documents). For convenience, these regulations are primarily codified in KCC Title 25, found at:

<http://www.metrokc.gov/mkcc/code/index.htm>

The terms “Shoreline Master Program,” “Shoreline Program” and “Program” are all used to describe King County’s Shoreline Master Plan, development regulations, and Technical Appendix in their entirety. The elements of the Shoreline Program and the background documents described above should be read together as a unified document that is self-contained and internally consistent.

2. Shoreline policies

The Shoreline Master Program contains specific policies relating to a wide variety of shoreline uses and issues. These policies are designated **SP** (“Shoreline Policy”) followed by a number based on the chapter and sequence in the text. They appear in **bold type** throughout the Shoreline Master Plan.

Shoreline policies establish broad shoreline management directives. They are statements of intent by King County that direct or authorize a course of action or specifying criteria

for regulatory or non-regulatory action. The policies serve as the basis for regulations that govern use and development along the shoreline.

Pursuant to the SMA, King County's shoreline policies must:

1. Be consistent with the Washington State Shoreline Management Act;
2. Address the master program elements of RCW 90.58.100;
3. Include policies for environmental designations as described in WAC 173-26-211;
4. Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on regulation of private property; and
5. Be consistent with the King County Comprehensive Plan and functional plans adopted as components of the Comprehensive Plan.

Shoreline policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific standards that are used to evaluate shoreline development proposals. King County must evaluate permit applications in light of the shoreline policies and may approve a permit only after determining that the development conforms to the policies in the Shoreline Master Plan.

In addition, shoreline policies assist in prioritizing King County's spending on facilities and services within shorelines of the state. Finally, the shoreline policies provide direction for regional issues such as resource management, environmental protection, transportation, inter-governmental coordination and regional planning.

3. Shoreline environments

The Shoreline Management Act requires that shoreline management programs classify shoreline areas into specific environmental designations. Ecology's guidelines recommend six different environmental designations, but does not require that local programs adopt this particular scheme. King County's 1978 Shoreline Master Program adopted the four environmental designations recommended by Ecology: Urban, Rural, Conservancy, and Natural. In this update, King County is adopting seven environmental designations in total, based on the recommendations from Ecology. These environmental designations are:

High Intensity Shoreline Environment: Applied to areas that provide high-intensity water-oriented commercial, transportation, and industrial uses.

Shoreline Residential Environment: Applied to accommodate residential uses at urban densities, while allowing for non-residential uses that are consistent with the protection of the shoreline jurisdiction.

Rural Shoreline Environment: Applied to accommodate rural residential shoreline development, while allowing for rural non-residential uses that are consistent with the protection of the shoreline.

Conservancy Shoreline Environment: Applied to protect and conserve the shoreline for ecological, public safety, recreation, agriculture, and mineral resource purposes. Includes areas with important ecological processes and functions, valuable historic and cultural features, flood and geological hazards, agricultural and mineral resource lands, and recreational opportunities.

Natural Resource Shoreline Environment: Applied in areas to allow for forestry and protect municipal water supplies.

Natural Shoreline Environment: Applied to shorelines that are relatively intact or have minimally degraded shoreline functions that are intolerant of human use.

Aquatic Shoreline Environment: Applied to the areas waterward of the ordinary high water mark.

4. Shoreline program elements

The Shoreline Management Act identifies eight “program elements” that must be addressed and included in local shoreline master programs:

Economic development element that considers the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce, and other developments that are particularly dependent on shorelines of the state.

Public access element that considers public access to publicly owned land along shorelines of the state.

Recreational element that identifies recreational opportunities along shorelines, such as parks, tidelands, beaches, and recreational areas, and that pursues acquisition through implementation of the King County Shoreline Master Program.

Circulation element that consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities. This general circulation element is consistent with King County’s transportation planning efforts.

Land use element that considers the general distribution and location, as well as the extent of use on the shorelines and adjacent areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private use of the land.

Conservation element that addresses the preservation of natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fish and wildlife.

Historic, cultural, scientific and educational element that prevents the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the state office of archaeology and historic preservation.

Flood hazard element that considers the statewide interest in the prevention and minimization of flood damages.

5. Shoreline modifications and uses

The Shoreline Management Act requires that local shoreline master programs distinguish between shoreline modifications and shoreline uses.

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but can include other actions such as clearing, grading or application of chemicals. A shoreline modification is usually undertaken in support of or in preparation for a shoreline use.

Shoreline uses are classified as "water-dependent," "water-related," "water-enjoyment," or "water-oriented."

A water-dependent use is a use or portion of a use that cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

A water-related use is a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because the use has a functional requirement, such as the arrival or shipment of material by water, or the need for large quantities of water, or the use provide a necessary service supportive of a water-dependent use.

A water-enjoyment use is a recreational use or other use that facilitates public access and enjoyment of shorelines for a substantial number of people. A water-enjoyment use must be open to the public.

A water-oriented use is a use that is water-dependent, water-related, water-enjoyment, or a combination of such uses.

D. Overview of King County Shoreline Master Plan

The following is a summary, by chapter, of the Shoreline Master Plan (Part 1 of the Shoreline Master Program):

Chapter 1: Shoreline Jurisdiction

Chapter 1 recognizes the county's responsibility to plan for and regulate shorelines within the unincorporated portions of King County consistently with the Washington State Shoreline Management Act and Guidelines. The chapter clearly establishes the areas of jurisdiction and confirms the inclusion of the 100-year floodplain within King County's shoreline jurisdiction. A map of King County's shoreline jurisdiction is included in Chapter 1.

Chapter 2: Shoreline Policy Goals

Chapter 2 clearly states that the Shoreline Management Act applies to all uses and development within King County's shoreline jurisdiction whether or not a permit is required. In Chapter 2, policies are established supporting specific preferred uses that are unique or dependent upon shoreline location. General policy goals are established that protect ecological functions, foster reasonable utilization of shorelines, maintain the public right of navigation and corollary uses in all areas of the shorelines. Chapter 2 also includes specific general policy goals for shorelines that are outside shorelines of statewide significance as well as specific policies for state-owned shorelines. Because of the high probability of conflict among all the competing interests within shorelines, Chapter 2 includes policies on how to balance these competing interests. The chapter concludes with the recognition that there are multiple approaches to accomplishing the policy goals of the Shoreline Management Act.

Chapter 3: Shoreline Element Policies

The Shoreline Management Act requires local master programs address the following elements: economic development; public access; recreation; circulation; land use; conservation; and historic, cultural, scientific and educational resources. Chapter 3 establishes policy goals supporting all of these elements.

Chapter 4: Master Plan Relationship to Other Laws

A number of federal, state and local plans and laws also apply within shorelines, including, but not limited to, the Shoreline Management Act; the Growth Management Act; King County Countywide Planning Policies; the King County 2004 Comprehensive Plan; the King County Critical Areas Ordinance and related regulations. Chapter 4 identifies these related laws and establishes policies on integration and coordination.

Chapter 5: Shoreline Environmental Designations

The Shoreline Management Act requires local master programs identify specific designations for their shorelines. These designations include: natural shorelines; resource

shorelines; conservancy shorelines; rural shorelines; high intensity shorelines; and aquatic shorelines. King County has established six designations to meet the unique conditions of King County's shorelines. Chapter 5 identifies the purpose of each designation and then establishes policies for designating and for managing each designation.

Chapter 6: Environmental Protection Policy Goals

The Shoreline Management Act requires local master programs address cumulative impacts of use and development within shorelines and requires that there is no net loss of ecological functions as a result of use and development within shorelines. Chapter 6 establishes policies to support those requirements. In addition, since critical areas, as defined by the Growth Management Act, are regulated through local shoreline master programs for those critical areas located within shorelines, Chapter 6 establishes policies for the protection, restoration and enhancement of those critical areas. Specific policies are also established for shoreline vegetation conservation and water quality, stormwater and non-point pollution.

Chapter 7: Shoreline Use and Shoreline Modification

Chapter 7 begins by defining the difference between a shoreline use and a shoreline modification. Specific policies are established for a range of shoreline uses that have the potential for significant impacts upon the shorelines. Shoreline modifications are those activities that relate to the construction of physical actions within the shoreline such as in-stream structures, dredging, clearing, grading and placing fill. Chapter 7 establishes policies relating to shoreline modifications to minimize their potential impacts.

Chapter 8: Administrative Policies

Chapter 8 establishes policies for the administration of the master program. This chapter states that King County assumes primary responsibility for shoreline planning within the County consistently with the Shoreline Management Act and Guidelines. The King County Shoreline Master Program is to be liberally constructed to give full effect to its objectives and purpose. Policies also address appeals, effective date, treaty rights, and the power to abate nuisances.

Definitions

This King County Shoreline Master Plan document contains a separate listing of definitions used in the Plan and the Shoreline Master Program. There is also another glossary associated with Appendix E because of the large number of technical terms.

Appendices

(See section C.1. of this section for descriptions of these appendices)

Appendix A: Shoreline Restoration Plan

Appendix B: Shoreline Public Access Plan

Appendix C: Cumulative Impacts Analysis

Appendix D: Shoreline Master Program Checklist and Public Involvement Process

Appendix E: Shorelines Technical Appendix

CHAPTER 1

SHORELINE JURISDICTION

A. King County's Responsibility to Regulate Shorelines

1. King County assumes primary responsibility for shoreline planning and regulation

King County has primary responsibility for shoreline management planning and for the administration of shoreline regulations within its jurisdiction.

SP1-1 King County has primary responsibility for planning required by the Shoreline Management Act and for administering its shoreline regulatory program

King County recognizes that its Shoreline Master Program is subject to review and approval by the Washington State Department of Ecology and that the Shoreline Master Program must be consistent with the policies and provisions of the Shoreline Management Act (RCW 90.58). However, King County is responsible for planning and administering its shoreline master program and associated regulations.

2. King County's Shoreline Master Program is intended to be consistent with the Shoreline Management Act & Guidelines

King County's Shoreline Master Program is intended to be consistent with the policies and requirements of Washington's Shoreline Management Act (SMA) (RCW 90.58) and with the required elements of the guidelines for implementing the Shoreline Management Act that are found in WAC 173-26. In this document, the SMA and Guidelines are together referred to simply as the "SMA."

King County's Shoreline Master Program shall be interpreted consistently with the SMA. In the event of a conflict between SMA and the Program, the Program should be interpreted to give meaning and effect to the SMA.

SP1-2 King County's Shoreline Master Program is to be interpreted consistently with the policies and requirements of the Shoreline Management Act (RCW 98.58).

SP1-3 King County's Shoreline Master Program is to be interpreted consistently with the required elements of the shoreline guidelines found in WAC 173-26.

3. King County's Shoreline Master Program is to be liberally construed

By law, the SMA is exempt from the rule of strict construction and must be liberally construed to give full effect to the Act's objectives and purposes. By adopting a liberal standard of construction, the State Legislature demonstrated the importance it attached to protecting the shoreline and accomplishing the goals and policies of the SMA.

Consistent with this mandate, and because King County believes that accomplishing the goals and objectives of the SMA within the County is of primary importance, the Shoreline Master Program is to be liberally construed to accomplish its objectives and purpose.

SP1-4 King County's Shoreline Master Program is exempted from the rules of strict construction and is to be construed liberally to give full effect to its objectives and purpose.

B. Shoreline Jurisdiction

1. Shoreline jurisdiction extends over all "shorelines" and "shorelines of statewide significance" within King County

The SMA applies to all "shorelines of the state" within the County. "Shorelines of the state" are defined to include "shorelines" and "shorelines of statewide significance."

SP1-5 King County's shoreline jurisdiction extends over all "shorelines of the state" within King County, as that term is defined in the SMA. This includes jurisdiction over "shorelines" and "shorelines of statewide significance."

It is important to understand the distinction between the terms "shorelines" and "shorelines of statewide significance." Both terms are used throughout the SMA and define the scope of King County's shoreline jurisdiction. The distinction is important because the SMA imposes greater and more specific obligations when dealing with shorelines of statewide significance.

a. "Shoreline" and "shorelands"

"Shorelines" are defined in the SMA as follows:

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

The definition of “shorelines” includes “associated shorelands” which are defined in the SMA as follows:

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter.

Thus, King County’s “shoreline jurisdiction” includes not only all water areas within King County above a certain size and volume, but also lands extending 200 feet from the ordinary high water mark, floodways associated with the water area, floodplain areas landward within 200 feet of the floodway, and all wetlands and river deltas associated with the water area.

b. “Shorelines of statewide significance”

“Shorelines of statewide significance,” as specifically defined in the SMA include:

- Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tides;
- Lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark; and
- Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more.

In King County, the water bodies that qualify as shorelines of statewide significance include:

- Vashon-Maury Island
- The unincorporated portion of northeast Lake Washington (north of Kirkland) and southwest Lake Washington (west of Renton)
- Marymoor State Park and Lake Sammamish State Park shorelines on Lake Sammamish
- Mud Mountain Reservoir and White River up to river mile 46
- Green River to river mile 95
- Chester Morse Lake (Reservoir)
- Tolt Reservoir
- Mainstem Snoqualmie River to river mile 43 and Middle Fork Snoqualmie River to river mile 39
- South Fork Skykomish River to river mile 30

Associated shorelands that are adjacent to shorelines of statewide significance are included within the shoreline of statewide significance jurisdiction.

c. Options to extend geographic jurisdiction over shorelines and shorelines of statewide significance

The SMA gives King County two options concerning the scope of its shoreline jurisdiction. First, the County may include one-hundred year floodplains:

Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

RCW 90.58.030(2)(f)(i). Because King County already regulates one-hundred year floodplains in its Flood Hazard Management Plan, and because the continued regulation of the one-hundred year floodplain is necessary to comply with certain federal requirements under the National Flood Insurance Program, King County is exercising its option to extend its shoreline jurisdiction to cover one-hundred year floodplains.

SP1-6 King County includes within its shoreline jurisdiction the one-hundred year floodplains of included shorelines.

The SMA also provides the option of extending shoreline jurisdiction to include land necessary for buffers for critical areas that extend beyond the 200 foot shoreland jurisdiction:

Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to non-forest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter.

RCW 90.58.030(2)(f)(ii). Because King County believes that its critical area regulations adequately protect both the critical area and the shoreline, it is not extending its shoreline jurisdiction to include critical area buffers for critical areas located within the shoreline jurisdiction.

SP1-7 King County's shoreline jurisdiction does not include the buffers of critical areas that extend outside the 200 foot shoreline jurisdiction.

2. Jurisdictional map

Applying these definitions within King County has involved an extensive survey of County's shoreline, which is discussed in more detail in Shoreline Program Technical Appendix E.

Map E-1 shows the complete scope of King County's shoreline jurisdiction. Map E-1 is available for public inspection at the King County Department of Development and Environmental Services, in the Shoreline Program Map Folio and on-line at www.metrokc.gov/shorelines.

CHAPTER 2

SHORELINE POLICY GOALS

King County's shoreline zone has a long history of settlement because of the abundant natural resources, availability of water, and usefulness as transportation routes. The shoreline zone also draws people to enjoy the aesthetic and recreational value that marine beaches, lakes, and rivers provide. The shoreline zone supports some of the region's most important industries, such as shipping, fishing, and tourism.

Because of the unique and irreplaceable value of the shorelines of the state, King County recognizes that it is in the public interest to protect the ecological functions of the shoreline zone, while at the same time allowing reasonable and necessary use of the shoreline zone to support the regional economy and provide recreational opportunities for the public.

The high demand for shoreline zone use has, over time, degraded ecological processes, functions, and values in a large number of areas. Many segments of King County's shoreline zone are devoid of native vegetation, the banks are hardened with additions of rock and other materials, sediment movement is no longer driven by natural forces, and valuable fish and wildlife habitat is gone or impaired to a critical state. Unaltered shoreline zones are increasingly rare. We have moved beyond the protection of existing conditions to a point where it has become critical to restore and enhance the degraded shoreline zone.

A vast majority of the shoreline zone, particularly in the lower parts of the regional watersheds and along the marine shorelines is in private ownership, giving the citizens of King County an important role in protecting the shoreline zone's unique and irreplaceable value. The challenge for King County is to manage these lands in a manner that balances the use, protection, restoration, and enhancement of King County's shoreline zone, while at the same time respecting private property rights and protecting the public interest.

King County has established a set of general policy goals that will provide overarching guidance for discretionary decision making, support shoreline regulations, and define the vision that King County has for the utilization, protection, restoration and enhancement of the shorelines of the state. These policy goals reflect the wide range of SMA mandates, while at the same time preserve the maximum possible flexibility for King County to address the unique shoreline conditions within its jurisdiction.

A. Statement of Applicability

The SMA provides for the management of uses and development within the shoreline zone, whether or not a permit specific to the Shoreline Master Program, the shoreline substantial development permit, is required. Many activities that may not require a shoreline substantial development permit, such as clearing vegetation or construction of a single family residence, can (both individually or cumulatively) adversely impact adjacent properties and natural resources. King County has both the authority and the responsibility to enforce shoreline Master Program regulations on all uses and development in the shoreline zone.

Because there has been confusion in the past regarding the scope of the SMA, Ecology requires that all master programs contain the following policy statement:

SP2-1 All proposed uses and development occurring within King County's shoreline jurisdiction must conform to RCW Chapter 90.58, the Shoreline Management Act, and to King County's Shoreline Master Program.

B. Shoreline Preferred Uses

The SMA establishes mandatory preferences for uses that are unique to or dependant upon a shoreline location. These preferred uses apply to the entire shoreline zone, both the shorelines and shorelines of statewide significance. The SMA preferred uses are recognized in the following policies.

SP2-2 In establishing and implementing shoreline policies and development regulations, King County shall give preference to uses that are unique to or dependent upon a shoreline location. The terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, are used when discussing appropriate uses for the different shoreline environments. These preferred use policies apply to the entire shoreline zone (shorelines and shorelines of statewide significance).

SP2-3 King County, when determining allowable uses and resolving use conflicts in the shorelines zone, shall apply the following preferences and priorities in the order listed below:

- 1. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and to public health.**
- 2. Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the State**

Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities, should be reserved for water-dependent and water-related uses that are associated with commercial navigation, unless adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Mixed-use developments may be allowed if they include and support water-dependent uses and address specific conditions that affect water-dependent uses.

- 3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.**
- 4. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.**
- 5. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where the nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.**

SP2-4 In a given circumstance, the preferred use policies, the local economic and land use conditions, and the policies and regulations that assure protection of shoreline resources, may result in determination that other uses may be considered as necessary or appropriate. These other uses may be accommodated, provided that the preferred uses are reasonably provided for throughout the shoreline zone.

C. General Policy Goals

The SMA policies of protecting ecological functions, fostering reasonable use, and maintaining the public right of navigation and corollary uses result in certain mandatory policy goals for the shoreline zone.

These policies apply to both shorelines and shorelines of statewide significance. The policies are not ranked in a specific order. King County reserves the right to balance these general policies based on the unique circumstances, location and physical condition of the shoreline.

SP2-5 The following policy goals apply to all shorelines in the shoreline zone. The goals are not ranked in importance and have been assigned a number for identification purposes only.

- 1. The use of shorelines for those economically productive uses which are particularly dependent on shoreline location or use.**
- 2. The use of shorelines and the waters they encompass for public access and recreation.**
- 3. Protection and restoration of the ecological functions of shoreline natural resources.**
- 4. Protection of the public right of navigation and corollary uses of waters of the state.**
- 5. The protection and restoration of buildings and sites having historic, cultural, and educational value.**
- 6. Planning for public facilities and utilities correlated with other shorelines uses.**
- 7. Prevention and minimization of flood damages.**
- 8. Recognizing and protecting private property rights.**
- 9. Preferential accommodation of single-family residential uses.**
- 10. Coordination of shoreline management with other relevant local, state, and federal programs.**

D. Shorelines of Statewide Significance Policy Goals

The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and by calling for a higher level of effort in implementing these policy goals. The state legislature has declared that the interest of all people shall be paramount in the management of shorelines of statewide significance.

SP2-6 The interests of all people shall be paramount in the management of shorelines of statewide significance within King County.

The legislature has established policy goals that govern shorelines of statewide significance. Significantly, these policy goals are ranked in order of preference (i.e., the first goal must be given priority over all subsequent goals).

The following master program policy recognizes and accepts the policy goals as directed by the SMA for shorelines of statewide significance:

SP2-7 King County, in developing and implementing its Shoreline Master Program for shorelines of statewide significance, shall give preference to uses in the following order of preference, that:

- 1. Recognize and protect the statewide interest over local interest;**
- 2. Preserve the natural character of the shoreline;**
- 3. Result in long term over short-term benefit;**
- 4. Protect the resources and ecology of the shoreline;**
- 5. Increase public access to publicly owned areas of the shorelines;**
- 6. Increase recreational opportunities for the public in the shoreline; and**
- 7. Provide for any other element as defined in RCW 90.58.100.**

SP2-8 In developing and implementing policies relating to shorelines of statewide significance, the King County shall provide for optimum implementation of policies that satisfy the statewide interest.

E. State-Owned Shoreline Policy Goals

The State also owns property within King County. The SMA requires that certain policies be adopted with regard to shoreline land owned by the State. This is distinct from shorelines of statewide significance, which may or may not be in State ownership. Because state-owned shoreline is particularly adapted to providing recreational activities for the public, King County has given special consideration to these factors in developing the Shoreline Master Program.

SP2-9 King County should encourage and help facilitate the use of state-owned shorelines for public recreational activities, where appropriate.

F. Balancing Policy Goals

The policy goals for the management of the shoreline zone have the potential for conflict. Shorelines and the waters they encompass are considered among the most valuable and fragile of the State's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research, and education. They are fragile because they depend upon a balance between physical, biological, and chemical systems that may be significantly altered by both natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human activities (industrial, commercial, residential, recreation, navigational). Unbridled use of the shoreline zone ultimately could destroy its utility and value for human use.

- SP2-10** The policy goals of King County's Shoreline Master Program relate both to the use and protection of the extremely valuable and vulnerable shoreline resources of the state.
- SP2-11** It is the policy of King County to accommodate in the shoreline zone all reasonable and appropriate uses consistent with protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life and consistent with "public rights of navigation.
- SP2-12** The policy of achieving both shoreline use and protection is reflected in the provision that permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water.
- SP2-13** King County shall balance shoreline zone use and shoreline zone protection when meeting the policy goals of the Shoreline Management Act.

G. Multiple Approaches to Accomplishing Policy Goals

The policy goals in the Master Program may be achieved through a variety of methods that go beyond simply regulating development within the shoreline zone. There are a wide range of non-regulatory tools available that provide incentives for property owners to work cooperatively with King County to achieve these policy goals. In addition, King County works closely with other public and non-profit groups to achieve mutually beneficial objectives.

- SP2-14** The King County Shoreline Master Program policies may be achieved by a number of different means, both regulatory and non-regulatory. These include, but are not limited to:
- 1. Regulations controlling development within the shoreline jurisdiction;**
 - 2. Acquisition of land and easements by purchase, lease, or gift, either alone or in concert with other local governments;**
 - 3. Accepting grants, contributions, and appropriations from any public or private agency or individuals;**
 - 4. Public facility and park planning;**
 - 5. Watershed planning;**
 - 6. Voluntary salmon recovery projects; and**

7. **Incentive programs, such as the transfer of development rights or the public benefit rating system.**

CHAPTER 3

SHORELINE ELEMENT

POLICY GOALS

Shoreline Master Program Element Policy Goals

The Shoreline Management Act requires local master programs to include a number of elements that range from use of the shoreline zone for economic benefit and accommodating necessary infrastructure to protecting both cultural and natural resources. These elements are addressed separately throughout the Plan and are based on the following overarching King County Shoreline Master Program element policy goals.

A. Economic Development Element

King County's economy is the largest and most significant in the Puget Sound Region and in Washington State.¹ With almost half of the state's nonagricultural jobs and almost 83,900 businesses (1998 data), it is essential that the King County accommodate the industries and infrastructure to support a healthy and vibrant economy. Most of the County's industry and infrastructure lies within the incorporated cities and are not subject to the King County Shoreline Master Program. However, there are some portions of the shoreline zone in unincorporated King County that provide for economic development of the region.

SP3-1 The King County Shoreline Master Program should plan for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

B. Public Access Element

King County believes the shorelines of the state should be accessible to the general public to enjoy and use within the limitations of private property rights and ecological considerations. Since a significant amount of shoreline property is in private ownership, the responsibility to maintain and provide public access falls primarily on public projects. Not all sites are appropriate for use by the public and must be evaluated carefully to ensure that public access can be safely provided without harm. Provisions should also be retained and sought to provide opportunities for the public to enjoy views of the water and shoreline.

¹ King County Comprehensive Plan 2004, page 2-26.

SP3-2 King County shall:

- 1. Support the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety, as well as considering impacts on ecological processes and functions.**
- 2. Protect the rights of navigation and the space necessary for water-dependent uses.**
- 3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.**
- 4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.**

When planning shoreline public access, King County should try to achieve an integrated system that can supplement, and be coordinated with, multimodal transportation planning. King County has identified areas of potential public access that will be assessed in more detail through shoreline permits and public projects. Public access should be provided for pedestrians, including disabled persons, bicycles, and vehicles between access points. See Appendix B for details on the analysis of existing shoreline public access in King County, identified public access gaps and opportunities, and the resulting shoreline Public Access Plan.

SP3-3 The King County Shoreline Master Program should increase the amount and diversity of public access to shorelines of the state, provided that public access results in no net loss of ecological functions of the shoreline zone, preserves natural shoreline character, protects private property rights and considers public safety.

SP3-4 Public agencies, including local governments, port districts, state agencies, and public utility districts, should include public access in their development proposals if public access is compatible with the activity and can be provided safely. An assessment of the impact of public access on the shoreline and constructed features should also be conducted.

SP3-5 King County shall require public access to shorelines of the state for water-enjoyment, water-related, and nonwater-dependent non-

residential uses and for subdivisions of land into more than four parcels unless:

- 1. The site is identified in the King County Parks Plan; or**
- 2. The development proposal is not compatible with public access, there is a safety or security concern, inclusion of public access will have an environmental impact that cannot be mitigated, or there are legal limitations on allowing public access.**

SP3-6 King County shall adopt development regulations that establish maximum building height limits, setbacks, and view corridors to minimize the impact to existing views from public property or a substantial number of residences. Where there is a conflict between providing direct public access or allowing for water dependent shoreline uses and maintaining existing views, the direct public access or water dependent shoreline uses shall have priority.

C. Recreational Element

Shorelines provide many opportunities for recreation, such as boating, swimming, beach combing, hiking, and nature viewing. Since much of the shoreline zone is in private ownership, using public lands for recreation will become increasingly important. Opportunities should be sought through public projects to protect and enhance recreational opportunities.

SP3-7 King County should protect, and when possible, expand recreational opportunities, including, but not limited to parks, beaches, tidelands, swimming beaches and boat launches.

SP3-8 King County should evaluate opportunities to acquire shoreline property for purposes of public recreation from willing sellers of private property.

D. Circulation Element

Circulation and transportation planning is conducted at many levels in King County. The overarching transportation planning agency in the Puget Sound region is the Puget Sound Regional Council, an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about growth and transportation issues in the Puget Sound region. At the local level, cities and counties approve local circulation patterns for their individual jurisdictions. King County should consider the policy goals in this Shoreline Master Program when participating in regional and local transportation planning discussions.

SP3-9 The King County Shoreline Master Program should guide the County's position on transportation plans and projects within the shoreline jurisdiction.

E. Land Use Element

Land use in King County is established through implementation of the Washington State Growth Management Act (GMA). To implement Growth Management, King County relies primarily on the King County Comprehensive Plan and functional plans that are adopted as part of the Comprehensive Plan for facilities and services. The Comprehensive Plan establishes an urban growth line and designates land use and zoning for the unincorporated portions of King County. It also delineates and protects agricultural production districts, forest production districts and mineral resource sites. The King County Shoreline Master Program was developed in coordination with the four-year major update of the King County Comprehensive Plan to assure that the general distribution and extent of use on shorelines and adjacent lands designated by the Comprehensive Plan are compatible with the policy goals of the King County Shoreline Master Program.

SP3-10 The King County Comprehensive Plan should consider the policy goals of the King County Shoreline Master Program when designating land use and zoning on shorelines of the state and adjacent lands.

F. Conservation Element

The Shoreline Management Act requires local master programs include a conservation element for the preservation of natural resources, including critical areas, scenic vistas, aesthetics, and vital estuarine areas for fish and wildlife.

1. Critical areas

King County's critical areas ordinance (CAO) is based on best available science and protects coal mine hazard areas; erosion hazard areas; flood hazard areas; seismic hazard areas, landslide hazard areas; volcanic hazard areas; steep slope hazard areas; critical aquifer recharge areas; wetlands; aquatic areas; and wildlife habitat conservation areas. The Shoreline Management Act requires that critical areas located within shorelines be protected under the shoreline master program and that at least the same level of protection be provided to critical areas in shorelines as those outside shorelines.

SP3-11 Policies and regulations for the protection of critical areas in shorelines shall provide a level of protection that is equal to or better than the protection provided to critical areas outside of the shoreline jurisdiction.

2. Scenic vistas

The natural topography of King County provides numerous scenic vistas of the shorelines of the state. Development occurring both within and outside the shorelines of the state should consider the impact of this development on scenic vistas and include protection of these view corridors while balancing other policy goals of this Plan.

SP3-12 Public and private development proposals should consider, and when possible, should protect scenic vistas of the shorelines of the state in the project design.

3. Aesthetics

Natural shorelines are visually aesthetic in their natural state. When these shorelines are altered through development, the aesthetic value of the shoreline should be preserved as much as possible. In areas where shorelines have already been developed with little consideration of the aesthetics, restoration should return the shoreline to an aesthetically-pleasing environment.

SP3-13 Public and private development proposals should protect and restore the aesthetic quality of shorelines in the project design.

4. Vital estuarine areas for fish and wildlife

King County's rivers, streams and lakes are home to a wide variety of fish and wildlife. Development of the shorelines has degraded the habitat for many species by activities such as armoring banks against wave action and the erosive force of water flowing downstream, removal of vegetation, straightening channels, and installing in-stream structures for flood control, hydroelectricity and water supply. Degraded shorelines should be restored to provide vital habitat for fish and wildlife and natural shorelines should be preserved.

SP3-14 Development of shorelines of the state shall protect vital habitat for fish and wildlife, and where possible, should restore degraded habitat.

G. Historic, Cultural, Scientific and Educational Element

Due to the limited and irreplaceable nature of archaeological and historic resources, King County should prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the agencies compiling records for archaeology and historic preservation. The following policy goal applies to archaeological and historic resources recorded at the State Historic Preservation Office or by the King County Office of

Historic Preservation, as well as to those resources not recorded, but meeting the criteria for recording as an archaeological or historic resource.

SP3-15 King County shall require developers and property owners to stop work and notify appropriate authorities if archaeological or historic resources are uncovered during excavation or construction in the shoreline jurisdiction.

SP3-16 King County shall require permits issued for development in shoreline areas of known archaeological or historic resources to contain a condition for a site inspection or evaluation by a professional archaeologist.

CHAPTER 4

MASTER PLAN RELATIONSHIP TO OTHER LAWS

A. State Shoreline Master Program and Guidelines

The citizens of Washington State adopted the Shoreline Management Act by public referendum in 1971, which was codified in chapter 90.58 of the Revised Code of Washington (RCW). King County first adopted a shoreline master program in 1978 under Ordinance 3692 and the implementing regulations in Title 25, Shoreline Management. In November 2000 the Washington State Department of Ecology adopted new Shoreline Guidelines which were subsequently challenged in the court. The Department of Ecology revised the Shoreline Guidelines and they became effective in January 2004.

King County is amending its 1978 King County Shoreline Master Program to comply with the revised Washington State Shoreline Guidelines, changes in shoreline conditions, and new or amended legislation since 1978, such as the Growth Management Act. The Shoreline Management Act provides guidance on when a local shoreline master program must be adopted or amended:

1. The master program amendments being considered represent a significant modification to shoreline management practices within the local jurisdiction; they modify more than one environment designation boundary, or significantly add, change or delete use regulations;
2. Physical shoreline conditions have changed significantly, such as substantial changes in shoreline use or priority habitat integrity, since the last comprehensive master program amendment;
3. The master program amendments being considered contain provisions that will affect a substantial portion of the local government's shoreline areas;
4. There are substantive issues that must be addressed on a comprehensive basis. This may include issues such as salmon recovery, major use conflicts, or public access;
5. The current master program and the comprehensive plan are not mutually consistent;
6. There has been no previous comprehensive master program amendment since the original master program adoption; or

7. Monitoring and adaptive management indicate that changes are necessary to avoid loss of ecological functions.

B. Washington's Growth Management Act (Chapter 36.70A RCW)

The Washington State Growth Management Act was passed by the Washington State Legislature in 1990 and 1991 and seeks to further protect the quality of life in the Washington State. The Growth Management Act requires that the state's most populous and fastest growing counties and their cities prepare comprehensive land use plans that anticipate growth for a 20-year horizon. Smaller communities and those communities that are experiencing a slow rate of growth may choose to plan under the Growth Management Act, but are not required to do so. Comprehensive plans adopted in accordance with Growth Management Act must manage growth so that development is directed to designated urban areas and away from rural areas. The Growth Management Act also requires local governments to designate and protect critical areas, and identify and protect natural resource lands, which include commercially significant forestry, agriculture, and mining areas.

SP4-1 The King County Shoreline Master Program must be consistent with the Washington State Growth Management Act.

C. King County Countywide Planning Policies

King County, along with the City of Seattle and suburban cities established the Growth Management Planning Council (GMPC) to prepare a coordinated policy framework for future development in King County. In July 1992, the GMPC adopted Phase 1 of the County-Wide Planning Policies. Phase 2 was adopted in 1994. The King County Countywide Planning Policies have been ratified by a majority of the jurisdictions in King County and therefore apply to all jurisdictions. The County-Wide Planning Policies address critical areas, land use patterns, transportation, community character and open space, affordable housing, development and provision of urban services, siting of public capital facilities, economic development, and regional financing and governance.

SP4-2 The King County Shoreline Master Program must be consistent with and coordinated with the King County County-Wide Planning Policies.

D. King County 2004 Comprehensive Plan

King County's first comprehensive plan dates back to 1964. With the passage of the Washington State Growth Management Act (GMA) in 1990, King County rewrote its comprehensive plan for consistency with GMA in 1994. The GMA established specific

elements that must be included in a comprehensive plan and other optional elements that a local jurisdiction may choose to include for GMA compliance. The King County Comprehensive Plan is the underlying framework within which the King County Shoreline Master Program should fit.

- SP4-3 The King County Shoreline Master Program is an element of the King County Comprehensive Plan and must be internally consistent with the King County Comprehensive Plan.**
- SP4-4 The provisions of the King County Comprehensive Plan and the provisions of the King County Shoreline Master Program shall not preclude one another.**
- SP4-5 Land use policies in the King County Comprehensive Plan, the King County Shoreline Master Program, and implementing development regulations should prevent new uses that are not compatible with preferred uses from locating in the shoreline where they may restrict preferred shoreline uses or shoreline development.**
- SP4-6 Shoreline uses should be allowed only where the King County Comprehensive Plan provides for sufficient roads, utilities, and other services to support them.**

E. Critical Areas Regulations

King County Code (K.C.C.) Title 21A is the County's zoning code, and the majority of the development regulations for protection of critical areas under the Growth Management Act are codified in K.C.C. chapter 21A.24. K.C.C. chapter 21A.06 contains definitions of terms used in the critical areas chapter. The zoning code is enacted to be consistent with and implement the King County Comprehensive Plan policies for protection of critical areas as defined by RCW 36.70A.030(5) under the Growth Management Act. Critical areas located within shorelines are regulated under the Shoreline Management Act and implemented through local shoreline master programs. The Shoreline Management Act requires that shoreline critical areas protection provide a level of protection that is at least equal to that provided for critical areas protected under the Growth Management Act.

- SP4-7 The King County Shoreline Master Program and implementing regulations shall provide a level of protection for critical areas at least equal to that provided by King County's critical area regulations, codified in King County Code Chapter 21A.24.**

The Shoreline Management Act provides options for assuring consistency with the Growth Management Act protection of critical areas. These options range from including

the Growth Management Act critical areas regulations in the shoreline master program to preparing a discrete set of shoreline regulations.

SP4-8 The King County Shoreline Master Program may include by reference portions or all of the King County critical areas regulations into the Shoreline Master Program to meet the requirements of RCW 90.58.090(3) and 90.58.090(4).

F. Zoning, Clearing and Grading, and Stormwater Regulations

King County has adopted a wide array of development regulations that protect various aspects of the environment and implement other King County policies. These regulations include King County's Surface Water Code (K.C.C. Title 9), Clearing and Grading Regulations (K.C.C. Chapter 16.82), and the King County Zoning Code (K.C.C. Title 21A.) In the shoreline jurisdiction, the Shoreline Master Program may impose additional requirements. Shoreline development regulations must:

1. Be sufficient in scope and detail to ensure implementation of the Shoreline Management Act statewide shoreline management policies, the King County Shoreline Management Plan, and the King County Comprehensive Plan and functional plans adopted to implement the Comprehensive Plan;
2. Include regulations that apply to the environmental designations classified under WAC 173-26-211;
3. Include general regulations, specific use regulations that address issues of concern in regard to specific uses, and modification regulations;
4. Include clearing and grading and stormwater regulations that protect the ecological functions and values of the shorelines; and
5. Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. (RCW 90.58.100)

However, to the extent that it can, consistent with requirements of the SMA, King County will rely on its existing regulations to meet the requirements of the SMA.

SP4-10 The King County Shoreline Master Program shall rely on its existing regulations, including the Surface Water Code (K.C.C. Title 9), Clearing and Grading Regulations (K.C.C. Chapter 16.82), and the King County Zoning Code (K.C.C. Title 21A,) to the maximum extent practicable that is consistent with the Shoreline Management Act and the Department of Ecology's Guidelines.

CHAPTER 5

SHORELINE ENVIRONMENT DESIGNATIONS

Shoreline management addresses a wide range of physical conditions and development settings. The Shoreline Master Program classifies shoreline reaches into defined environment designations, based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community. Accordingly, Title 25 prescribes different environmental protection measures, allowable use provisions, and development standards for each shoreline designation.

Shoreline designations are made up of seven different shoreline environments:

- A. High Intensity Shoreline
- B. Shoreline Residential
- C. Rural Shoreline
- D. Conservancy Shoreline
- E. Natural Resource Shoreline
- F. Natural Shoreline
- G. Aquatic

This chapter provides the purpose, criteria, and management policies for each shoreline designation. Please refer to the Shoreline Master Program Designations Map (refer to Map Folio, Maps 1 - 4) that shows how the designations apply to shoreline reaches within the jurisdiction across the unincorporated area of King County. Shoreline areas that meet the jurisdictional criteria, but which are not mapped or designated are automatically assigned a Conservancy designation until a Shoreline Master Program amendment is made.

A. High Intensity Shoreline Environment

Purpose

The purpose of the High Intensity Shoreline Environment is to provide for high intensity water-oriented commercial and industrial uses while protecting existing ecological processes and functions and conducting restoration in areas that have been previously degraded.

High Intensity Designation Criteria

SP5-1 A shoreline may be designated High Intensity if the shoreline is zoned Neighborhood Business (NB), Commercial Business (CB), Regional Business (RB), Office (O), or Industrial (I).

High Intensity Management Policies:

- SP5-2** In the High Intensity Shoreline Environment, King County shall give priority to non-residential land uses that are water-dependent or water-related.
- SP5-3** King County shall discourage nonwater-oriented, non-residential land uses in the High Intensity Shoreline Environment, unless they are part of mixed use development that includes water-oriented land uses. King County should only allow nonwater-oriented land uses in the High Intensity Shoreline Environment only in limited situations and only if they do not conflict with or limit opportunities for water-oriented uses or are located on sites where there is no direct access to the shoreline.
- SP5-4** Prior to allowing expansion of a high intensity non-water oriented use in the shoreline environment, King County shall determine that there is no feasible alternative for locating the expansion outside of the shoreline jurisdiction.
- SP5-5** King County should require that visual or physical public shoreline access should be provided whenever feasible in the High Intensity Shoreline Environment.
- SP5-6** King County shall achieve aesthetic objectives in the High Intensity Shoreline Environment through development regulations, including sign controls, development siting criteria, screening requirements and architectural standards, landscaping requirements, and maintenance of natural vegetation.

B. Shoreline Residential Environment

Purpose

The purpose of the shoreline residential environment is to accommodate residential and commercial uses on a scale appropriate with urban residential zones, while protecting existing ecological processes and functions and conducting restoration in areas that have been previously degraded.

Shoreline Residential Designation Criteria

- SP5-7** A shoreline may be designated Shoreline Residential if the shoreline is zoned Residential (R) or Urban Reserve (UR) and is not located in a FEMA Floodway, a severe channel migration hazard area, or a public recreation park.

Shoreline Residential Environment Management Policies:

- SP5-8 King County shall require that the scale and density of new uses and development within the Shoreline Residential Environment is compatible with, and protects or enhances, the existing residential character of the area, while sustaining shoreline ecological functions and processes.**
- SP5-9 King County should encourage public or private outdoor recreation facilities that are compatible with the character of the area in the Shoreline Residential Environment. Water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline are preferred uses in the Shoreline Residential environment.**
- SP5-10 King County should discourage non-water-oriented commercial uses in the Shoreline Residential Environment. Non-water-oriented commercial uses may be allowed as part of a mixed-use development if the primary use is residential, and if the non-water-oriented uses provide a substantial benefit with respect to the goals and policies of this Program, such as providing public access or restoring degraded shorelines.**

C. Rural Shoreline Environment

Purpose

The purpose of the Rural Shoreline Environment is to accommodate land uses normally associated with rural levels of development. An additional purpose is to provide appropriate public access and recreational uses.

Rural Shoreline Environment Designation Criteria

- SP5-11 A shoreline may be designated Rural Shoreline if the shoreline is zoned Rural Area (RA) and does not meet the criteria for Conservancy Shoreline or Natural Shoreline.**

Rural Shoreline Environment Management Policies:

- SP5-12 King County should require that multi-family and multi-lot residential and recreational developments in the Rural Shoreline Environment provide public access and joint use for community recreational facilities.**
- SP5-13 King County shall require that access, utilities, and public services in the Rural Shoreline Environment should be available and adequate to serve existing needs or planned future development, consistent with the King County Comprehensive Plan.**

D. Conservancy Shoreline Environment

Purpose

The purpose of the Conservancy Shoreline Environment is to protect existing ecological processes and functions, conserve agricultural and mineral resources, conserve valuable historic and cultural areas, provide for public safety in flood and geological hazard areas, protect the potential for restoration of ecological processes and functions, and provide recreational opportunities.

Conservancy Shoreline Environment Designation Criteria

- SP5-14 A shoreline may be designated Conservancy Shoreline if the shoreline is:**
- 1. Zoned Agriculture (A) or Mining (M);**
 - 2. Primarily within an identified FEMA floodway or severe channel migration hazard zone;**
 - 3. A lake shoreline or a river shoreline with a restoration plan rating of A, B, or D;**
 - 4. A marine shoreline with a restoration plan rating of A, B, or D and it is not designated a natural shoreline;**
 - 5. In public ownership and managed for public access and recreation; or**
 - 6. The location of unique historic or cultural resources.**

Conservancy Shoreline Environment Management Policies:

- SP5-15 King County should limit uses in the Conservancy Shoreline Environment to those that sustain the shoreline area's physical and biological resources and to uses of a nonpermanent nature that do not substantially degrade ecological processes and functions or the rural or natural character of the shoreline area. King County should discourage non-residential uses in the Conservancy Shoreline except as follows:**
- 1. King County should allow agriculture and forestry in the Conservancy Shoreline Environment.**
 - 2. King County should allow mining in the Conservancy Shoreline Environment only on lands zoned Mining (M).**
 - 3. King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses, if they do not deplete the resource over time and if significant adverse impacts to the shoreline are mitigated.**
- SP5-16 King County should allow construction of new structural shoreline stabilization and flood control works in the Conservancy Shoreline Environment only if King County determines there is a documented need to protect an existing structure or ecological processes and functions, and if mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.**

SP5-17 King County shall adopt development standards for the Conservancy Shoreline Environment, including density, lot coverage, and vegetation conservation, to preserve the existing character of the shoreline consistent with the purpose of the environment. The development standards should include:

- 1. Density and lot coverage standards for lots located within the shoreline jurisdiction that limit the total amount of impervious surface to a maximum of ten percent in order to maintain the existing hydrologic character of the shoreline; and**
- 2. Allowance for greater lot coverage for development of lots legally created prior to the date of adoption of this update to King County's Shoreline Master Program. In these cases, impervious surface coverage shall be limited to the maximum extent feasible.**

E. Natural Resource Shoreline Environment

Purpose

The purpose of the Resource Shoreline Environment is to allow for forestry uses and municipal domestic water supply watersheds, while protecting existing ecological processes and functions.

Natural Resource Shoreline Designation Criteria

SP5-18 A shoreline may be designated Natural Resource Shoreline if the shoreline is within the forest production district and is not designated as a Natural Shoreline or a Conservancy Shoreline, or if the shoreline is located within a municipal domestic water supply watershed.

Resource Shoreline Management Policies:

SP5-19 King County shall require forest practices in the Natural Shoreline Environment to comply with standards that provide protection for ecological functions equal to or greater than the forest practice rules adopted to the Washington State Department of Natural Resources and in effect on January 1, 2007. The forest practice rules implement the Forest and Fish Agreement, which was implemented through a Washington State Department of Natural Resources Habitat Conservation Plan under the Endangered Species Act. The Habitat Conservation Plan was approved by the National Oceanic and Atmospheric Administration and the United States Fish and Wildlife Service. If the Washington Department of Natural Resources modifies the forest practice rules such that they provide a level of protection for ecological functions that is less than the forest practice rules in effect on January 1, 2007, the current standards shall remain in place for forestry activities in the Natural Shoreline Environment.

SP5-20 King County shall allow agricultural uses of a very low intensity within the Natural Resource Shoreline Environment if the use is subject to appropriate limitations or conditions to ensure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

SP5-21 King County shall allow activities related to the direct management and delivery of municipal domestic water supplies in the Natural Resource Shoreline Environment only when consistent with municipal domestic water supply best management practices.

F. Natural Shoreline Environment

Purpose

The purpose of the Natural Shoreline Environment is to protect those shoreline areas that are relatively free of human influence and are of high ecological quality. These systems allow only very low intensity uses in order to maintain the ecological processes and functions.

Natural Shoreline Environment Designation Criteria

- SP5-22 A shoreline may be designated Natural Shoreline if the shoreline is:**
- 1. Of high ecological quality and is performing an important, irreplaceable ecological process or function that would be damaged by human activity;**
 - 2. Unable to support new development or uses without significant adverse impacts to ecological processes and functions or risk to human safety.**
 - 3. A federally designated wilderness area or in an area managed by the King County Department of Natural Resources and Parks as natural lands; or**
 - 4. A marine shoreline that has a restoration plan rating of A, and the shoreline reach is at least five hundred feet along the ordinary high water mark.**

Natural Shoreline Environment Management Policies:

SP5-23 King County shall not allow new shoreline armoring in the Natural Shoreline Environment.

SP5-24 King County shall not allow in the Natural Shoreline Environment any use that would substantially degrade the ecological processes and functions or the natural character of the shoreline area.

SP5-25 King County shall not allow the following new uses in the Natural Shoreline Environment:

- 1. Commercial uses;**

2. **Industrial uses;**
3. **Water-oriented recreation uses that require shoreline modification in order to provide shoreline access and non-water-oriented recreation uses;**
4. **Mining; and**
5. **Transportation facilities, utility corridors, and parking areas that can be located outside of the Natural Shoreline environment.**

SP5-26 King County may allow single-family residential development in the Natural Shoreline Environment as a shoreline conditional use if the density and intensity of such use is limited as necessary to protect ecological processes and functions and is consistent with the purpose of the environment. King County shall require new subdivisions or short-subdivisions in the Natural Shoreline Environment to locate new structures outside of the shoreline jurisdiction whenever feasible.

SP5-27 King County shall allow scientific, historical, cultural, educational research uses in the Natural Shoreline Environment if no significant ecological impact on the area will result.

SP5-28 King County shall not allow vegetation removal in the Natural Shoreline Environment that will reduce the capability of vegetation to perform normal ecological processes and functions. King County shall allow removal of noxious weeds and invasive vegetation as long as appropriate best management practices are followed.

SP5-29 King County shall allow passive and low-impact recreational activities in the Natural Shoreline Environment. New trails and designated campsites shall be located outside of the jurisdictional shoreline area to the maximum extent practicable. If there are practicable locations outside of the shoreline jurisdiction, new trails and designated campsites shall use designs that minimize impacts to shoreline processes and functions. Maintenance of trails and campsites shall minimize disturbance and restoration of impacted areas is encouraged.

G. Aquatic Environment

Purpose

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

Aquatic Shoreline Environment Designation Criteria

SP5-30 A shoreline may be designated Aquatic if it is waterward of the ordinary high water mark of the shoreline and it is not located in a municipally owned watershed providing domestic water.

Aquatic Shoreline Environment Management Policies:

SP5-31 King County shall allow new over-water structures in the Aquatic Shoreline Environment only for water-dependent uses, public access, or ecological restoration.

SP5-32 King County shall limit the size of new over-water structures in the Aquatic Shoreline Environment to the minimum necessary to support the structure's intended use.

SP5-33 King County shall encourage multiple uses of over-water facilities in the Aquatic Shoreline Environment in order to reduce the impacts of shoreline development and increase the effective use of water resources.

SP5-34 King County shall require all developments and uses on navigable waters or their beds in the Aquatic Shoreline Environment to be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

SP5-35 King County shall not allow uses in the Aquatic Shoreline Environment that adversely impact the ecological processes and functions of critical saltwater and freshwater habitats, except when necessary to achieve the objectives of RCW 90.58.020, and then only when the adverse impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological processes and functions.

SP5-36 King County shall require shoreline uses and modifications in the Aquatic Shoreline Environment to be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

CHAPTER 6

ENVIRONMENTAL PROTECTION

POLICY GOALS

A. General Environmental Protection Policy Goals

The State Shoreline Master Program Guidelines recognize that shoreline ecological functions may be impaired not only by shoreline developments that are required to obtain shoreline substantial development permits, but also by past actions, unregulated activities, and developments that are exempt from the shoreline substantial development permit requirements. The loss or degradation of ecological functions from any of these activities can significantly impact shoreline natural resources and may also adversely impact human health and safety.

The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological components, that are interdependent in varying degrees and at different scales, and which result in the landscape and habitats as they exist at any time. Ecological functions are the work performed or roles played individually or collectively within ecosystems by these components.

1. Cumulative Impacts and "No Net Loss" of Ecological Functions

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions that contribute to the survival and successful reproduction of wildlife. For example, an intensely developed harbor area may also have an important function as a fish migration corridor and feeding area critical to species survival. In addition, it must be recognized that ecosystems are connected with others, and many species may depend on the functioning of multiple systems for critical resources. As examples, anadromous fish depend upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with shorelines depend on the functioning of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally should apply to all shoreline areas, not just those that remain relatively unaltered.

The SMA requires that King County's Shoreline Master Program achieves no net loss of ecological function from new uses or development, and that it addresses the cumulative impacts on shoreline ecological functions that would result from future shoreline development. The SMA also requires local governments to plan for restoration of ecological functions where they have been impaired, thus working towards net gain. The following policies ensure that King County will address cumulative impacts and prevent any net loss of ecological shoreline functions.

SP6-1 King County's Shoreline Master Program policies and regulations must achieve no net loss of ecological functions.

- SP6-2 King County's Shoreline Master Program shall include regulations and mitigation standards to ensure that permitted and exempt developments in the aggregate will not cause a net loss of ecological functions of the shoreline.**
- SP6-3 King County's Shoreline Master Program goals and policies will promote restoration of impaired ecological functions. Policies and programs and non-regulatory actions that contribute to restoration goals will be identified. King County should consider the direct and indirect effects of other regulatory or non-regulatory programs of other local, state, and federal laws, as well as any restoration effects that may result from shoreline development regulations and mitigation standards.**
- SP6-4 King County should identify restoration opportunities and planning elements that together will improve the overall condition of habitat and resources within the shoreline area.**
- SP6-5 King County shall evaluate and consider the cumulative impacts of reasonably foreseeable future development on shoreline ecological functions in order to ensure no net loss of ecological functions and protection of other shoreline functions or uses.**
- SP6-6 King County shall fairly allocate the burden of addressing cumulative impacts among development opportunities. King County should adopt policies and regulations that are designed to avoid the need for individualized cumulative impacts analysis for commonly occurring and planned development.**
- SP6-7 King County should analyze proposed policies and regulations to determine whether they will cause cumulative adverse impacts to the shoreline and consider how such impacts could be avoided. The evaluation of cumulative impacts should consider:**
- 1. Current circumstances affecting the shoreline and relevant natural processes;**
 - 2. Reasonably foreseeable future development and use of the shoreline;**
 - 3. An appropriate evaluation of the effect on shoreline ecological functions that are caused by unregulated activities, development exempt from permitting, and effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties; and**
 - 4. Beneficial effects of any established regulatory programs under other local, state, and federal laws.**
- SP6-8 For development proposals that may have impacts that cannot be anticipated or uncommon impacts that have not been considered or identified at time of adoption of the King County Shoreline Master**

Program, King County should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

SP6-9 King County shall consider and address cumulative impacts on all functions and uses of the shoreline that are consistent with the RCW Chapter 90.58. For example, a cumulative impact of allowing development of docks or piers could interfere with navigation on a water body.

- 2. Environmental Mitigation (To be completed after public process)**
- 3. Shoreline Restoration (To be completed after public process)**
- 4. Ongoing Evaluation, Review of Cumulative Impacts and Duty to Update**

King County will periodically review the Shoreline Master Program and make amendments that it determines are necessary to reflect changing local circumstances, new information, and improved data, and to meet the requirements of RCW 90.58.080 and applicable guidelines. King County will also monitor actions taken to implement the Shoreline Master Program and the shoreline conditions to inform updates of Shoreline Master Program provisions and improve shoreline management over time.

SP6-10 King County shall review and amend its Shoreline Master Program using a process that inventories and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

B. Shoreline Critical Areas

1. Standard for protection under the SMA

The Growth Management Act requires King County to protect the functions and values of critical areas, which are defined as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. When King County's Shoreline Master Program is approved by the Washington State Department of Ecology (Ecology), critical areas located within the shoreline jurisdiction are protected under the Shoreline Master Program rather than the Growth Management Act. The Shoreline Master Program must provide equal or better protection of critical areas within shoreline jurisdiction that are provided for critical areas located outside of shoreline jurisdiction, as well as optimum protection of shorelines of state-wide significance. In addition to the policies in the King County Shoreline Master Program for the protection of critical areas, the King County Comprehensive Plan and functional plans adopted as an element of the King County Comprehensive Plan guide the protection of critical areas within the shoreline jurisdiction.

SP6-11 King County's Shoreline Master Program shall provide a level of protection that is at least equal to the level of protection provided under the

King County Comprehensive Plan and development regulations adopted for the protection of critical areas under the Growth Management Act.

SP6-12 The King County Shoreline Master Program shall provide optimum protection of shorelines of state-wide significance.

2. Use of scientific and technical information

The Shoreline Management Act requires local governments to use scientific and technical information when establishing protection measures for critical areas. To achieve this requirement, King County has, to the extent feasible:

1. Used a systematic interdisciplinary approach that ensures the integrated use of the natural and social sciences and the environmental design arts;
2. Consulted with and obtained the comments of any federal, state, regional, or local agency having any special expertise with respect to environmental impacts;
3. Considered all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;
4. Conducted or supported such further research, studies, surveys, and interviews as are deemed necessary and feasible;
5. Used all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
6. Employed, when possible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

King County has produced a wide range of studies resulting in regulatory standards based on the best available science for the protection of critical areas. To the extent possible, King County should use and incorporate these studies and regulations into protection measures for critical areas in shorelines to ensure a high level of protection based on science, extensive public involvement, and history of implementation. In addition, King County should look to state, tribal and federal programs to provide a full spectrum of planning and regulatory measures to guide critical areas protection in shorelines.

SP6-13 King County shall integrate existing planning and regulatory measures into the King County Shoreline Master Program including, but not limited to, the King County Comprehensive Plan, functional plans adopted to implement the Comprehensive Plan, adopted watershed plans, King County critical areas regulations and state, tribal and federal programs.

In order to ensure no net loss of shoreline ecological functions resulting from development proposed in shoreline critical areas, the King County Shoreline Master Programs requires that these development proposals analyze the environmental impacts of the proposal and consider measures to avoid, if possible, and then mitigate for the adverse environmental impacts.

SP6-14 King County shall apply the following sequence of steps listed in order of priority in evaluating the impacts of development on critical areas within the shoreline jurisdiction:

- 1. Avoid the impact altogether by not taking a certain action or parts of an action;**
- 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;**
- 3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;**
- 4. Reduce or eliminate the impact over time by preservation and maintenance operations;**
- 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and**
- 6. Monitor the impact and the compensation projects and taking appropriate corrective measures.**

3. Wetlands

When determining allowed uses within wetlands and their buffers in shorelines of the state, consideration should be given to those uses that would result in no net loss of wetland area and wetland function. Consideration should be given to specific uses that are likely to impact the physical, chemical, and biological processes that contribute to the maintenance of wetlands.

SP6-15 King County wetland regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions:

- 1. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;**
- 2. Dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;**
- 3. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;**
- 4. Driving of pilings;**
- 5. Placing of obstructions;**
- 6. Construction, reconstruction, demolition, or expansion of any structure;**
- 7. Significant vegetation removal, except for forest practices regulated under chapter 76.09 RCW;**
- 8. Other uses or development that results in a significant ecological impact to the physical, chemical or biological characteristics of wetlands; and**
- 9. Activities reducing the functions of buffers.**

Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance, as well as the functions the wetland provides. The Shoreline Management Act provides the option of using specified wetland rating systems or developing a regionally specific system, provided the system is scientifically based and provides a method to distinguish wetland quality and function. King County adopted the Washington State Wetland Rating System for Western

Washington for use in categorizing wetlands under the Growth Management Act critical areas development standards.

SP6-16 King County shall categorize wetlands within shorelines of the state using the Washington State Wetland Rating System for Western Washington, Washington State Department of Ecology publication number 04-06-025, or more recent versions of the rating system.

The King County Shoreline Master Program provisions that would allow limited alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, and scientific and technical information.

SP6-17 King County should allow alterations to wetlands only if there is no net loss of wetland area and functions.

The King County Shoreline Management Program requires buffers be delineated and protected around wetlands. The size of the wetland buffer is based on the classification of the wetland and its characteristics and whether the wetland is located within or outside of the Urban Growth Area. Mitigation measures have been established to obtain a reduced buffer width in return for added measures to address light, noise, toxic runoff, change in water regime, pests and human disturbance, dust, and degraded buffer condition. Other modifications to buffer widths are allowed through buffer averaging. Circumstances, such as the presence of threatened or endangered species or proximity to steep slopes, may authorize increased buffer widths.

SP6-18 King County shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, potential impacts with adjacent land use, and other relevant factors.

The King County Shoreline Management Program requires that mitigation measures achieve equivalent or greater wetland functions including, but not limited to, habitat complexity, connectivity and other biological functions, and seasonal hydrological dynamics. Preferential consideration is given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

SP6-19 In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

King County may authorize alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

SP6-20 King County may allow compensatory mitigation only after a mitigation sequence is applied and higher priority means of mitigation are determined to be infeasible.

1. **Compensatory mitigation replacement ratios or other mitigation provisions shall consider:**
 - a. **the risk of failure of the compensatory mitigation action;**
 - b. **the length of time the compensatory mitigation action will take to replace adequately the impacted wetland functions and values; and**
 - c. **the gain or loss of the type, quality, and quantity of the ecological functions of the compensation.**
2. **Performance standards shall be established to evaluate the success of compensatory mitigation.**
3. **Long-term monitoring shall be required to determine if performance standards are met.**
4. **Long-term protection and management shall be required for compensatory mitigation sites.**

4. Critical Aquifer Recharge Areas

King County has classified and mapped critical aquifer recharge areas according to the vulnerability of the aquifer. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability is indicated by land uses that contribute contamination that may degrade ground water and by hydrogeologic conditions that facilitate degradation. Low vulnerability is indicated by land uses that do not contribute contaminants that will degrade ground water and by hydrogeologic conditions that do not facilitate degradation. Critical aquifer recharge areas are required to be protected under the Growth Management Act as a critical area.

SP6-21 The King County Shoreline Master Program shall protect critical aquifer recharge areas consistent with the King County Comprehensive Plan and kcc Chapter 21A.24.

5. Geologically Hazardous Areas

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological processes and events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices, so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided. Under the King County Shoreline Master Program, geologically hazardous areas include:

1. Erosion hazard areas;
2. Landslide hazard areas;

3. Seismic hazard areas;
4. Coal mine hazard areas;
5. Volcanic hazard areas; and
6. Steep slope hazard areas.

The following policies to protect health and safety and also to reduce the loss of ecological functions apply to geological hazardous areas located within shorelines of the state.

SP6-22 Development regulations for geologically hazardous areas shall meet the minimum requirements in WAC 365-190-080(4).

SP6-23 King County shall prohibit development and new lot creation in geologically hazardous areas if it would result in increased risk of injury to people or property damage, consistent with 21A.24.

SP6-24 King County shall prohibit development that requires structural stabilization in geologically hazardous areas, only if the stabilization is necessary to protect allowed uses, there is no alternative location available, and no net loss of ecological functions will result. Stabilization measures shall conform to WAC 173-26-231.

SP6-25 King County may allow stabilization structures or measures in geologically hazardous areas to protect existing primary residential structures, if there are no alternatives, including relocation or reconstruction of the residential structure, the stabilization is in conformance with WAC 173-26-231, and no net loss of ecological functions will result.

6. Fish and Wildlife Habitat Conservation Areas

King County is required by the Growth Management Act to protect fish and wildlife habitat conservation areas as critical area. The Washington Department of Community, Trade, and Economic Development (DCTED) adopted guidelines to assist local governments in designating critical areas, including fish and wildlife habitat conservation areas. The DCTED guidelines are designed to define and protect areas necessary to maintain species in suitable habitats within their natural geographic distribution, at least in part so that isolated subpopulations are not created. DCTED identifies the following areas as being suitable for fish and wildlife habitat conservation areas:

1. Areas with which endangered, threatened, and sensitive species have a primary association; areas critical for habitat connectivity;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds; herring and smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the state;

7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; or
8. State natural area preserves and natural resource conservation areas.

The King County Comprehensive Plan and its development regulations protect the functions and values of fish and wildlife habitat conservation areas through its provisions governing aquatic areas and wildlife habitat conservation areas.

The Washington State Department of Ecology (Ecology) guidelines divide fish and wildlife habitat conservation areas into critical saltwater and critical freshwater habitats.

a. Critical saltwater habitat

Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats include both the shorelines and the adjacent submerged areas.

SP6-26 King County shall provide a high level of protection to critical saltwater habitats due to the important ecological functions they provide.

SP6-27 Protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

Comprehensive planning for the protection and restoration of critical saltwater habitat should include state resource agencies, local and regional government entities including, but not limited to the Port of Seattle and Sound Transit, and affected Indian Tribes. All resources should be reviewed and considered.

SP6-28 King County shall achieve consistency among and between shorelands and adjacent lands as directed in RCW 90.58.340.

SP6-29 As part of its management planning for critical saltwater habitats, King County should include an evaluation of current data and trends regarding:

1. Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
2. Terrestrial and aquatic vegetation;
3. The level of human activity in such areas, including the presence of roads and level of recreational types. Passive or active recreation may be appropriate for certain areas and habitats;
4. Restoration potential;
5. Tributaries and small streams flowing into marine waters;
6. Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;

7. **Conditions and ecological function in the near-shore area;**
8. **Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and**
9. **An analysis of what data gaps exist and a strategy for gaining this information.**

Because of the need for a higher level of protection for critical saltwater habitat, allowed uses should be carefully limited and only allowed to meet other policy goals of the Shoreline Management Act.

SP6-30 Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

1. **The public's need for such an action or structure is clearly demonstrated, and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;**
2. **Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;**
3. **The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and**
4. **The project is consistent with the state's interest in resource protection and species recovery.**

SP6-31 Private, noncommercial docks for individual residential or community use may be authorized provided that:

1. **Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and**
2. **The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.**

b. Critical freshwater habitat

Critical freshwater habitats are equally important to saltwater areas as fish and wildlife habitat conservation areas along shorelines of the state. Critical freshwater habitats include streams and rivers, with their associated channel migration zones, floodplains, wetlands, and lakes.

Shorelines along these freshwater habitats often have been highly developed and are currently adversely impacted by improper storm water, sewer, or industrial outfalls, unmanaged clearing and grading, and surface water runoff from buildings and parking lots. Some impacts include altered quality and quantity of runoff, as well as destruction or alteration of vegetation. Potential impacts from vegetation changes can include increased water temperatures and altered hydrographic conditions. All of these changes create inhospitable conditions in water bodies for priority species and, in addition, make them more susceptible to problems stemming from catastrophic flooding, droughts, landslides and channel changes.

Some freshwater habitats, particularly rivers and floodplains, often are considered as hazardous areas that can threaten life and property during catastrophic events, such as flooding. Development can exacerbate such conditions..

To reverse the impacts from development on fresh water habitats, the King County Shoreline Master Program should look for opportunities to restore freshwater shorelines and protect them from further degradation.

- SP6-32 King County should plan for protection, as well as restoration, where appropriate, along the entire length of river corridors from the headwaters to the mouth.**
- SP6-33 King County should regulate uses and development as necessary within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction area, to assure no net loss of ecological functions results from new development near freshwaters of the state, including associated hyporheic zones.**
- SP6-34 King County shall protect ecological functions associated with critical freshwater habitat as necessary to assure no net loss from shoreline activities and associated changes.**
- SP6-35 Where appropriate, King County should integrate protection of critical freshwater habitat, flood risk reduction and other river and stream management provisions.**
- SP6-36 King County should facilitate authorization of appropriate restoration projects.**

C. Frequently Flooded Areas

The King County 2006 Flood Hazard Management Plan was adopted as a functional plan of the King County Comprehensive Plan. The Flood Plan outlines the policies, programs, and projects that King County uses to reduce the risk from flooding and channel migration. The King County 2006 Flood Hazard Management Plan was reviewed for consistency with the Shoreline Management Act and determined to be consistent with the SMA.

- SP6-37 The policies contained within the King County Flood Hazard Management Plan, or its successor, constitute the policies for the protection of frequently flooded areas within shorelines.**

D. Shoreline Vegetation Conservation

A major intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by stands of vegetation along shorelines. Vegetation conservation can also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect particular plant and animal species and their habitats, and to enhance shoreline uses.

In King County, aquatic environments, as well as their associated upland and wetland vegetated areas, provide significant habitat for a wide variety of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystems. For example, nearly continuous stretches of mature forest characterize the natural riparian conditions of the Pacific Northwest. Riparian areas along marine shorelines provide the same or similar functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain cool water temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing external organic inputs critical for some aquatic life.
- Providing food for various insects and other benthic macroinvertebrates, which are in turn food sources for fish, birds, and other wildlife.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris for introduction into the aquatic system. Large woody debris is a primary structural component in streams that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilizes systems.
- Regulation of microclimates in the lake and stream-riparian and intertidal corridors.
- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refuge areas.

The length, width, and species composition of a shoreline vegetation community all contribute substantively to aquatic ecological functions. Likewise, the biota of the aquatic environment are essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, there is a greater risk that important functions will not be performed.

Sustaining individual functions requires varying widths, compositions, and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline

setting. For example, in forested shoreline settings, periodic introduction of fallen trees, especially conifers, into the stream channel is an important attribute that is critical to natural stream channel maintenance.

Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas¹. Vegetation conservation provisions generally include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

- SP6-38** **Vegetation conservation provisions apply to shoreline uses and developments even if they are exempt from the requirement to obtain a permit.**
- SP6-39** **Vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.**
- SP6-40** **The Shoreline Master Program shall include planning provisions to address vegetation conservation and restoration, and regulatory provisions to address conservation of vegetation as necessary to assure no net loss of shoreline ecological processes and functions, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.**
- SP6-41** **King County should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology, and then conserve sufficient vegetation to maintain them. Such vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.**
- SP6-42** **Vegetated areas along streams, which once supported or could in the future support mature trees, should be wide enough to facilitate periodic recruitment of woody vegetation into the water body to support vegetation-related shoreline functions.**
- SP6-43** **Vegetation conservation standards shall be established to implement the vegetation conservation policies included in this chapter. Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other provisions. Selective pruning of trees for safety and view protection may be allowed, and the removal of noxious weeds should be authorized.**

¹ Vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority.

E. Water Quality, Stormwater and Non-Point Pollution

The Shoreline Master Program must protect against adverse impacts to the public health, to the land with its vegetation and wildlife, and to the waters of the state and their aquatic life. The intent of water quality, stormwater and non-point pollution policies is to provide shoreline protection by preventing adverse impacts.

- SP6-44 Shoreline Master Program water quality, stormwater, and non-point pollution policies apply to all development and uses in shorelines of the state that affect water quality.**
- SP6-45 King County should work to prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, degraded aesthetic qualities, or a significant impact to recreational opportunities.**
- SP6-46 King County should ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including Public Health – Seattle & King County standards, the King County Surface Water Design Manual, and King County Code Chapter 9.04 and Chapter 9.12. The regulations that are most protective of ecological functions shall apply.**
- SP6-47 The Shoreline Master Program shall include provisions to implement the water quality, stormwater and non-point pollution policies in this section.**

CHAPTER 7

SHORELINE USE & SHORELINE MODIFICATION

A. Shoreline Use versus Shoreline Modification

The Shoreline Management Act makes a distinction between a shoreline use and shoreline modifications. A shoreline use is an activity that is allowed within the shorelines zone. In most cases in order to engage in an activity, the shoreline must be modified. This means that shoreline modifications are often undertaken in support of or in preparation for an activity along shorelines. Shoreline modifications often involve construction of a physical element, such as a dike, breakwater, dredged basin, or fill, as well as other actions such as clearing, grading, application of chemicals, or significant vegetation removal.

B. Shoreline Use

Land uses in King County are based on federal, state, and local policies and regulations. The baseline permitted uses are codified in the King County Zoning Code, Title 21A. Land uses that would be allowed by King County's Zoning Code may be limited by the King County Shoreline Master Program and implementing development regulations in Title 25.

- SP7-1 King County shall give preference to uses in the shoreline that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon the shoreline zone.**
- SP7-2 Development within the shoreline zone shall protect the public's health, safety, and welfare, as well as the land, including its vegetation and wildlife, and protect property rights while implementing the policies of the Shoreline Management Act.**
- SP7-3 Where there is a conflict between the permitted uses in K.C.C. Title 21A and the Shoreline Master Program, preference shall be given first to water-dependent uses, then to water-related uses, and finally to water-enjoyment uses.**
- SP7-4 Shoreline Master Program development regulations shall ensure no net loss of ecological functions associated with the shoreline zone.**

1. Shoreline Conditional Uses

Land uses in the King County Zoning Code are classified as one of three types: permitted, conditional, or special. A permitted use is allowed subject to the review

procedures and general requirements of the zoning code. A conditional use is a permitted use on a parcel that is subject to conditions placed on the use to ensure compatibility with nearby land uses. A special use is a regional use that requires approval of the King County Council. For the purposes of the King County Shoreline Master Program, a shoreline conditional use may be appropriate in order to:

1. Effectively address unanticipated uses that are not classified in the Shoreline Master Program;
2. Address cumulative impacts; or
3. Provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

SP7-5 The following types of uses and development should require a shoreline conditional use permit:

- 1. Uses and development that may significantly impair or alter the public's use of the water areas of the state.**
- 2. Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.**
- 3. Development in critical saltwater habitats.**

2. Agriculture

The Shoreline Management Act defines agricultural activities as:

"agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;"

The Shoreline Management Act prohibits Shoreline Master Programs from requiring modification to or limiting existing agricultural activities on agricultural lands in the shoreline jurisdiction. This limitation does not apply to new agricultural activities. As required by the Growth Management Act, King County has designated agricultural lands of long-term commercial significance. These lands have been included in agricultural production districts under the King County Comprehensive Plan.

- SP7-6** The King County Shoreline Master Program shall not require modification of or limit existing agricultural activities in the shoreline jurisdiction occurring within the agricultural production districts within King County. Agricultural activities within the shoreline jurisdiction shall be governed by existing provisions of the King County Comprehensive Plan and the King County Code.
- SP7-7** New agricultural activities in the agricultural production districts that are conducted in the shoreline jurisdiction shall be comply with the provisions of K.C.C. Chapter 21A.24 as they apply to agricultural activities.

Land uses meeting the definition of “agricultural activities” also occur outside the designated agricultural production districts. The King County Shoreline Master Program encourages agricultural uses, but they must be compatible with the shoreline designation in which they are proposed. In addition, under the rare circumstances when land is removed from the agricultural production districts, any development occurring on that land must be consistent with the shoreline designation where it is located.

- SP7-8** Agricultural activities within the shoreline jurisdiction and outside the agricultural production districts shall be consistent with the shoreline designation where the land is located.
- SP7-9** Agricultural activities within the shoreline jurisdiction and outside the agricultural production districts shall be located and designed to ensure no net loss of ecological functions and shall not result in an adverse impact on other shoreline resources and ecological values. These agricultural activities shall comply with the provisions of K.C.C. Chapter 21A.24 as they apply to agricultural activities.
- SP7-10** Development and uses on land removed from the agricultural production districts shall be consistent with the shoreline designation where the land is located.

3. Forestry

In general, Ecology’s guidelines require local shoreline master programs to rely on the Forest Practices Act and the rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within the shoreline zone. When a property owner chooses to convert commercial timber land to a use other than timber production, the regulations for commercial forestry no longer apply.

- SP7-11** If land is being converted to a non-forest use through Class IV- General forest practice, the provisions of the King County Shoreline Management Program that apply to development activities governs the proposed land use.

Because shorelines of statewide significance require a higher level of protection, special provisions apply to forestry within shorelines of statewide significance.

- SP7-12** Within shorelines of statewide significance, selective commercial timber cutting shall be used for timber harvest within two hundred feet abutting landward of the ordinary high water mark so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time. Through a shoreline conditional use permit, King County may approve:
1. Other timber harvesting methods in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and
 2. Clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the King County Shoreline Master Program.
- SP7-13** For forest practice conversions and other Class IV-General forest practices, where there is a likelihood of conversion to nonforest uses, King County shall ensure that there is no net loss of shoreline ecological functions, that the ecological quality of the watershed's hydrologic system, and that there are no significant adverse impacts to other shoreline uses, resources, and values such as navigation, recreation, and public access.

4. Surface Drilling for Oil and Gas

The Shoreline Management Act prohibits surface drilling in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from that line.

- SP7-14** Surface drilling for oil or gas shall be prohibited in Puget Sound seaward from the ordinary high water mark and on all lands within one thousand feet landward from the ordinary high water mark on Puget Sound.

5. Aquaculture

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Aquaculture is a growing industry of statewide significance. Aquaculture should be accommodated so long as it does not result in a net loss of ecological functions.

SP7-15 Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses.

SP7-16 Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species that cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

6. Boating Facilities

Boating facilities provide the boating public recreational opportunities on waters of the state, but should be sited carefully to assure no net loss of ecological functions and to maintain the aesthetic quality of the shoreline. For purposes of the King County Shoreline Master Program, “boating facilities” do not include docks serving four or fewer single-family residences.

SP7-17 Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:

- 1. Meet health, safety and welfare requirements;**
- 2. Mitigate aesthetic impacts;**
- 3. Provide public access in new marinas, unless there is a safety or security concern;**
- 4. Limit the impacts to shoreline resources from boaters living in their vessels;**
- 5. Assure no net loss of shoreline ecological functions or other significant adverse impacts; and**
- 6. Protect the rights of navigation.**

7. Commercial Development

The King County Shoreline Master Program establishes a hierarchy for commercial development within the shoreline zone. Preference should be given to water-dependent commercial uses over nonwater-dependent commercial uses, then water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses. Some commercial uses within the shoreline zone may be required to incorporate appropriate design and operational elements to qualify as water-related or water-enjoyment. Public access and ecological restoration are considered appropriate mitigation for the impact to the shoreline zone unless it is determined public access is infeasible or inappropriate. Most commercial land in unincorporated King County is located outside the shoreline zone.

SP7-18 Public access is required on all commercial development on public land, unless the use is incompatible or there are public safety concerns.

- SP7-19** Nonwater-oriented commercial uses are prohibited in the shoreline zone unless they meet the following criteria:
- 1.** The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - 2.** Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
- SP7-20** Nonwater-oriented commercial development may be allowed in the shoreline zone if the site is physically separated from the shoreline zone by another property or public right of way.
- SP7-21** Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
- SP7-22** Commercial development shall not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values such as navigation, recreation and public access.

8. Industry

The King County Shoreline Master Program establishes a hierarchy for industrial development within the shoreline zone. Most industrial land in King County is located within cities rather than within unincorporated King County.

- SP7-23** In the shoreline zone, King County shall give preference to industrial uses in the following order: first, water-dependent industrial uses; second, water-related industrial uses; and third, non-water-oriented industrial uses.
- SP7-24** In order to mitigate for the impacts of industrial development within the shoreline zone, King County should require ecological restoration and public access, unless it determines that public access is infeasible or inappropriate.
- SP7-25** Public access should be required for industrial uses located on public land in the shoreline zone, unless it is determined public access is infeasible or inappropriate.

- SP7-26** Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline zone can be incorporated.
- SP7-27** New nonwater-oriented industrial development should be prohibited in the shoreline zone, except when the use is part of a mixed-use project that includes water-dependent uses or navigability is severely limited and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration.
- SP7-28** Nonwater-oriented industrial uses may be allowed in the shoreline zone if the site is physically separated from the shoreline zone by another property or public right of way.

9. In-Water Structures

"In-water structure" means a structure placed by humans within a stream, river, or lake waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purposes.

- SP7-30** In-water structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydro-geological processes, and natural scenic vistas.
- SP7-31** The location and planning of in-water structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring habitat for threatened or endangered species.

10. Mining

King County has identified and designated land that is appropriate for the removal of sand, gravel, soil, minerals and other extractable resources. In King County, gravel removal was a common method of flood control in the first half of the 20th century. However, mining within shorelines can have significant impacts, particularly to habitat for threatened and endangered aquatic and riparian species.

- SP7-32** Mining may be allowed within the shoreline zone if it is:

1. **Consistent with the environment designation policies of the King County Shoreline Master Program and provisions of the Shoreline Management Act; and**
 2. **Located within mineral resource lands designated by the King County Comprehensive Plan.**
- SP7-33** New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the standard of no net loss of ecological function shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the restoration, creation, or enhancement of habitat for threatened or endangered species.
- SP7-34** The King County Shoreline Master Program provisions and permit requirements for mining should be coordinated with the requirements of Chapter 78.44 RCW.
- SP7-35** The proposed subsequent use of mined property shall be consistent with the provisions of the shoreline designation in which the property is located.
- SP7-36** King County shall not permit mining within the active channel of a river unless:
1. **Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;**
 2. **The mining and any associated permitted activities will not have significant adverse impacts to habitat for threatened or endangered species nor cause a net loss of ecological functions of the shoreline;**
 3. **The determinations required by 1. and 2. of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of the State Environmental Policy Act (SEPA) and the Ecology rules;**
 4. **In considering renewal, extension, or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, King County shall require compliance with this policy if that no such review has previously been conducted. Where there has been prior**

review, King County shall review the previous determinations in order to ensure that current site conditions comply with the Program; and

5. These requirements do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).

SP7-37 King County shall require a shoreline conditional use permit for mining activity within a severe channel migration hazard zone located within the shoreline zone.

11. Recreational Development

Recreational development includes uses and activities designed to allow public enjoyment and use of the water and shoreline zone. King County recreational planning provides for parks, trails, open space, and opportunities for both active and passive recreational use in King County.

SP7-38 When recreational development is allowed in the shoreline zone, it must be consistent with the shoreline designation in which the property is located.

SP7-39 Special consideration shall be given for publicly-owned shoreline property to provide recreational uses for the public.

SP7-40 King County shall allow recreational development within the shoreline zone only if adequate services have been provided and only if the provision of those services are consistent with the King County Comprehensive Plan and its implementing development regulations.

12. Residential Development

The Shoreline Management Act recognizes residential development as a priority use within shorelines of the state. The term “residential development” also includes attached and multifamily dwelling units as well as subdivision of shoreline land into new residential lots. In King County, single detached dwelling units are the most common shoreline development. Residential development is often fairly high density to maximize water frontage. Care must be taken to assure that shoreline residential development and the related impacts from shoreline armoring, stormwater runoff, on-site sewage disposal systems, introduction of pollutants, and vegetation modification and removal do not result in significant damage to the shoreline.

SP7-41 Single Family Residential development is a priority use in the shoreline zone in King County.

SP7-42 In order to ensure that there is no net loss of shoreline ecological functions, King County shall establish standards for:

1. **Setbacks and buffers;**
2. **Density;**
3. **Shoreline armoring;**
4. **Vegetation conservation; and**
5. **On-site sewage disposal systems.**

SP7-43 Shoreline zone residential development, including accessory structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect these structures and uses.

SP7-44 New over-water residences, including floating homes, are not a preferred use and shall be prohibited in the shoreline zone. Existing communities of floating or over-water homes should be reasonably accommodated to allow improvements associated with life-safety matters and to ensure protection of private property rights. King County shall limit the expansion of existing floating home or over-water communities to the minimum necessary to ensure consistency with constitutional and other legal limitations that protect private property.

SP7-45 King County should require multi-family residential development and subdivisions within the shoreline jurisdiction creating more than four lots to provide community or public access, consistent with the public access plan in Appendix B.

SP7-46 King County shall require subdivisions to:

1. **Be designed, configured and developed in a manner that ensures that no net loss of ecological functions results from the subdivision at full build-out of all lots;**
2. **Prevent the need for new shoreline stabilization or flood risk reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions; and**
3. **Implement the provisions and policies for shoreline designations and the general policy goals of this Plan.**

13. Transportation and Parking

Providing for transportation and parking is necessary to support water-dependent uses, to support the regional economy, and for access to privately owned property. However, transportation facilities should be located and designed to have the least impact on the ecological functions of the shoreline. Transportation planning in shorelines should not be focused totally on automobiles, but should consider a wide range of options, including buses, light rail, commuter rail, bicycle, equestrian, and pedestrian facilities.

Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.

- SP7-47** King County shall require transportation and parking plans and projects to be consistent with the public access policies in this Plan, the public access plan in Appendix B, and environmental protection provisions.
- SP7-48** Circulation system planning shall include systems for pedestrian, bicycle, and public transportation, where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the King County Shoreline Master Program.
- SP7-49** Transportation and parking facilities shall be planned, located and designed to have the least possible adverse effect on unique or fragile shoreline features, not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new transportation facilities or transportation facility expansions should not be constructed within the shoreline zone.
- SP7-50** Parking facilities in the shoreline zone are not a preferred use. King County shall allow parking facilities in the shoreline zone only when necessary to support an authorized use. Parking facilities shall be planned, located and designed to minimize the environmental and visual impacts.

14. Utilities

Utilities include services and facilities that produce, convey, store, or process power, gas, sewage, storm water, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one primary use are considered “accessory utilities” and are considered part of the primary use.

- SP7-51** Utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, while meeting the needs of future populations in areas planned to accommodate growth.
- SP7-52** King County shall not allow utility production and processing facilities, such as power plants and sewage treatment plants that are nonwater-oriented, or parts of such facilities, in the shoreline zone unless King County determines that no other feasible option is available.

- SP7-53** Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline zone where feasible. Transmission facilities located within the shoreline zone shall assure no net loss of shoreline ecological functions.
- SP7-54** Utilities should be located in existing rights of way and corridors whenever possible.
- SP7-55** King County should discourage the location of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline zone, and the development of facilities that may require periodic maintenance that disrupts shoreline ecological functions, unless no other feasible alternative location exists. King County shall ensure that any utility facilities that are allowed do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values

C. Shoreline Modifications

1. General Policies Governing Shoreline Modifications

A shoreline modification is construction of a physical element, such as a dike, breakwater, dredged basin, or fill, as well as other actions such as clearing, grading, application of chemicals, or significant vegetation removal to support or prepare for a shoreline use. These activities should be directly related to a legal shoreline use and should not be conducted for other purposes.

- SP7-56** King County should allow structural shoreline modifications only when necessary to support or protect a legally established structure or a legally existing shoreline use that is in danger of loss or substantial damage, or when some modifications are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- SP7-57** In order to reduce the adverse effects of shoreline modifications, King County should limit shoreline modifications in number and extent to the maximum extent practicable.
- SP7-58** King County shall only allow shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- SP7-59** King County shall ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. In order to achieve no net loss of ecological functions, King County shall

give preference to those types of shoreline modifications that have a lesser impact on ecological functions and by requiring mitigation of identified impacts resulting from shoreline modifications.

SP7-60 Where applicable, King County shall develop regulations and impose conditions based on scientific and technical information and a comprehensive analysis of shoreline conditions for drift cells for marine waters or reaches for lakes and river and stream systems.

SP7-61 King County should plan for the enhancement of impaired ecological functions where feasible and appropriate, while accommodating permitted uses. As shoreline modifications occur, King County should incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

2. Shoreline Stabilization

Shorelines are impacted by wind and wave action, currents, tides, and flood waters, resulting in erosion of banks and shifts in channels. These impacts are natural processes that support ecological functions of shorelines, but they also impact human use of shorelines.

These natural processes are likely to be affected by climate change. Lowland rivers may see higher flows in the autumn and winter and mid-elevation rivers may see higher winter flows. In both cases, these changes could lead to more frequent flooding. The marine shorelines around Vashon and Maury Islands and the Duwamish Estuary may also see effects due to sea-level rise. Increased sea elevations will make development and infrastructure in low-lying areas more susceptible to flooding due to high tides and storms. Waves will encroach further onto low-lying beaches and cause greater beach erosion, threatening or damaging low-lying structures. At the same time steep slopes may receive increased moisture, due to predicted changes in precipitation patterns, potentially resulting in an increase in landslides that may cause property destruction and threaten human safety.

Humans have long desired to "control" these natural processes by constructing shoreline stabilization structures. The negative side of structural solutions includes the high cost of construction, long-term cost of maintenance and repair, the false sense of security for humans relying on these structures, and the high impact to the shoreline environment. These negative impacts are likely to increase as the effects of climate change become more apparent. These impacts include:

1. Beach starvation where sediment is prevented from supplying the beach, thus impeding a dynamic process.
2. Habitat degradation, particularly through removal of shoreline vegetation.

3. Sediment impoundment where the sources of sediment are lost and longshore transport is diminished, resulting in lowering of down-drift beaches, narrowing of the high tide beach, and the coarsening of beach sediment.
4. Exacerbation of erosion as wave energy is reflected back from hard surfaces onto the beach, increasing erosion.
5. Ground water impacts that can lead to a raise of the water table on the landward side of an erosion control structure, which results in increased pore pressures in the beach material and accelerated erosion of sand-sized material from the beach.
6. Hydraulic impacts where wave energy is reflected back onto the beach, resulting in scour lowering the beach elevation, or coarsening the beach resulting in failure of the structure.
7. Loss of shoreline vegetation and the loss of erosion control that the vegetation provided, as well loss of the habitat function provided by vegetation.
8. Loss of large woody debris, which plays an important role in biological diversity and habitat, as well as stabilizing the shoreline.
9. Restriction of channel movement and creation of side channels, impacting recruitment of large woody debris and gravel for spawning.

As alternatives to constructing a hard-surfaced structural facility, nonstructural methods may be used that have lesser impacts on ecological functions. These nonstructural methods may also allow for adaptation to the effects of climate change. For example, if buildings are constructed further away from the existing water edge, beyond the range of sea-level rise, shoreline protection would be unnecessary. For most projects, a range of options is available, from soft measures such as revegetation to stabilize banks to measures such as bulkheads. These measures, ranging from "soft" to "hard," include, but are not limited to:

1. Vegetation enhancement;
2. Upland drainage control;
3. Biotechnical measures;
4. Beach enhancement;
5. Anchor trees;
6. Gravel placement;
7. Rock revetments;
8. Gabions;
9. Concrete groins;
10. Retaining walls and bluff walls;

11. Bulkheads; and
12. Seawalls.

SP7-63 King County shall require shoreline stabilization to be consistent with WAC 173-26-221(5) for vegetation retention and WAC 173-26-221(2) for protection of critical areas.

SP7-64 King County shall adopt standards to avoid or mitigate the impact to shoreline ecological functions when alteration of the shoreline is allowed for the construction of single detached dwelling units and accessory structures. These standards shall address the design and type of protective measures and devices that are allowed.

When new development occurs within the shoreline zone, the following measures apply:

SP7-65 King County should require new shoreline development to be located and designed to avoid the need for future shoreline stabilization to the maximum extent practicable.

SP7-66 King County shall require that lots in new subdivisions and short subdivisions to be created so that shoreline stabilization will not be necessary in order for reasonable development to occur, using geotechnical analysis of the site and shoreline characteristics.

SP7-67 King County shall require new development on steep slopes or bluffs to be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

SP7-68 King County shall not allow new development that requires shoreline stabilization that will cause significant adverse impacts to adjacent or down-current properties and shoreline areas.

SP7-69 King County should encourage new development along Vashon and Maury Islands that may be impacted by sea-level rise to be set-back a sufficient distance to avoid the need for shoreline protection during the expected life of the development.

New structural stabilization measures should be used as a last resort after exploring and evaluating other soft measures.

SP7-70 King County shall not allow new structural stabilization measures except when necessary:

- 1. To support of nonwater-dependent development and structures, including single-family residences, when all of the conditions below apply:**

- a. the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - b. nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - c. the need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves; and
 - d. the erosion control structure will not result in a net loss of shoreline ecological functions.
2. To support of water-dependent development when all of the conditions below apply:
 - a. the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - b. nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - c. the need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report; and
 - d. the erosion control structure will not result in a net loss of shoreline ecological functions.
 3. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:
 - a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.

The King County shoreline zone includes a large number of shoreline stabilization structures, many of which were constructed years ago with little or no consideration of the impact on ecological functions of the shorelines.

- SP7-71** An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.
- SP7-72** King County shall require replacement shoreline protection structures to be designed, located, sized, and constructed to assure no net loss of ecological functions.

- SP7-73** Replacement walls or bulkheads protecting a residence shall not encroach waterward of the ordinary high-water mark or existing structure, unless the residence was occupied prior to January 1, 1972, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure and be located on the landward side of the existing structure.
- SP7-74** If a net loss of ecological functions associated with critical saltwater habitats will result from leaving an existing shoreline protection structure that is proposed for replacement, King County shall require the structure to be removed.
- SP7-75** King County may allow soft shoreline stabilization measures that provide restoration of shoreline ecological functions waterward of the ordinary high-water mark.
- SP7-76** King County should encourage replacement protection structures located on Vashon and Maury Islands to be located outside of the 100 year floodplain whenever possible. The edge of 100-year floodplain is consistent with a two-foot sea-level rise.

King County should make decisions on shoreline stabilization measures based on technical studies and reports that objectively analyze the current conditions and the impact of the proposed stabilization measure. A geotechnical report should be a requirement of a development proposal application that includes shoreline stabilization as part of the development.

- SP7-77** King County shall require geotechnical reports address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion, providing a report on the urgency associated with the specific situation. King County should not allow hard armoring solutions, unless a geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. If the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

The construction of shoreline stabilization measures results in impacts to the ecological functions of the shoreline. The following measures should be considered to mitigate the impacts of shoreline stabilization projects.

SP7-79 If structural shoreline stabilization measures are demonstrated to be necessary, King County shall:

- 1. Limit the size of stabilization measures to the minimum necessary;**
- 2. Require the use of measures designed to assure no net loss of shoreline ecological functions;**
- 3. Require the use of soft approaches, unless they are demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.**

SP7-80 King County shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, King County shall require ecological restoration and public access improvements to be incorporated into the project.

SP7-81 King County shall require that development and redevelopment on feeder bluffs and other areas that affect beach sediment-producing areas to avoid, if possible, and then to minimize the adverse impacts to sediment conveyance systems from erosion control measures.

Erosion is the breakdown of soil, mud, rock, and other particles by the agents of wind, water, or ice or by living organisms. These materials are moved downward or down-slope in response to gravity. Upland conditions may contribute to this on-going natural physical process and may impact the ability of people to use the shoreline zone. This impact leads to the desire for shoreline stabilization to arrest this action.

SP7-82 The impacts of erosion and mass wasting should be mitigated through protection of geological hazardous areas.

3. Piers and Docks

Piers and docks are some of the most commonly requested modifications to the shorelines. Because they extend over the water, piers and docks can have a significant impact on the ecological functions of the shorelines. Careful consideration should be given to the construction of new piers and docks, and how they are constructed in order to minimize their impacts.

SP7-83 King County shall allow new piers and docks only for water-dependent uses or public access. If it is designed and intended as a

facility for access to watercraft, a dock associated with a single-family residence is considered a water-dependent use.

- SP7-84** King County shall require pier and dock construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.
- SP7-85** King County may allow water-related and water-enjoyment uses as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.
- SP7-86** King County shall allow new pier or dock construction, excluding docks accessory to single-family residences, only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.
- SP7-87** If new piers or docks are allowed, King County shall require new residential development of two or more dwelling units to provide joint use or community dock facilities, when feasible, rather than individual docks for each dwelling unit.
- SP7-88** King County shall require piers and docks, including those accessory to single-family residences, to be designed and constructed to avoid, to the maximum extent practicable, and then to minimize and mitigate the impacts to ecological processes and functions. King County shall require piers and docks to be constructed of materials that have been approved by applicable state and federal agencies.

4. Fill

Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill is not permitted within the 100-year floodplain without providing compensatory flood storage to prevent a rise in the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Fill can impact ecological functions and ecosystem processes, including channel migration.

- SP7-89** King County shall require fill to be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- SP7-90** King County shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:

1. **Water-dependent use;**
2. **Public access;**
3. **Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;**
4. **Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;**
5. **Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;**
or
6. **Mitigation actions, environmental restoration, beach nourishment, and enhancement projects.**

SP7-91 King County shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration.

5. Breakwaters, Jetties, Groins and Weirs

Breakwaters, jetties, groins, and weirs are all structural elements that are constructed to absorb or deflect wave action or to control excess sediment. A breakwater is an off-shore structure, either floating or not, which may or may not be connected to the shore designated to absorb and reflect back into the water body the energy of the waves. A jetty is an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by transported sediment. A groin is a barrier type structure extending from the backshore into the water across the beach, which is constructed to interrupt sediment movement along the shore. A weir is a small dam in a stream or river to control the flow of water. While each of these structural elements may be appropriate under specific circumstances, they should be allowed only under limited circumstances.

SP7-92 King County shall allow breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

SP7-93 King County shall require a shoreline conditional use permit for the construction of breakwaters, jetties, groins, weirs, and similar structures, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

SP7-94 Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence King County Shoreline Policy SP defined in WAC 173-26-201 (2)(e).

6. Beach and Dunes Management

Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and Cape Disappointment, and as shorelines of statewide significance are mandated to be managed from a statewide perspective by the Shoreline Management Act. There are no beaches and associated dunes in King County.

7. Dredging and Dredge Material Disposal

Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term maintenance and support activities are also considered dredging. Dredging can cause significant ecological damage, which cannot always be avoided. Mitigation measures should be required to assure no net loss of ecological functions.

King County has a channel monitoring program for King County rivers, which can be used to inform decisions on dredging activities. While only certain reaches of these rivers have been surveyed, King County recognizes the need to continue and enhance the channel monitoring program. In addition, King County should avoid development of shorelines that would require new or maintenance dredging.

- SP7-95 King County shall require new development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.**

- SP7-96 King County shall allow dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins when necessary to assure safe and efficient accommodation of existing navigational uses. Significant ecological impacts shall be minimized and mitigation shall be provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged or existing authorized location, depth, and width.**

- SP7-97 King County shall not allow dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with a habitat restoration project under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.**

- SP7-98** King County shall discourage disposal of dredge material on shorelands within a river's channel migration zone. King County shall not allow disposal of dredge material in wetlands located within the shoreline zone. In the limited instances where it is allowed, such disposal shall require a shoreline conditional use permit.
- SP7-99** King County shall require dredging to be conducted consistent with Policy RCM-3 of the 2006 King County Flood Hazard Management Plan.

8. Shoreline Habitat and Natural Systems Enhancement Projects

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other planning processes, such as salmon conservation plans and the 2006 King Count Flood Hazard Management Plan.

- SP7-100** King County should allow for habitat and natural systems enhancement projects that include, but are not limited to:
- 1. Modification of vegetation;**
 - 2. Removal of nonnative or invasive plants;**
 - 3. Shoreline stabilization; and**
 - 4. Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.**
- SP7-101** Habitat and natural systems enhancement projects should assure that the projects address legitimate restoration needs and priorities and facilitate implementation of the King County Shoreline Master Program Shoreline Protection and Restoration Plan. (Appendix A)
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CHAPTER 8 PRIMARY & ADMINISTRATIVE POLICIES

A. Reservation of Right to Appeal Department of Ecology Decisions

By law, King County's Shoreline Master Program must be approved by the Washington State Department of Ecology (Ecology). Ecology has the power to reject or modify part or all of the Program elements.

1. Reservation of right to submit alternate proposal to Ecology

If Ecology recommends a change to some or all of the elements in the King County Shoreline Program, King County reserves the right to submit an alternate proposal for approval.

SP8-1 If the Department of Ecology recommends changes to any elements of the King County Shoreline Master Program, King County reserves the right to submit an alternate proposal to the Department for its review and approval.

2. Appeal of Ecology's decision to reject or modify King County Shoreline Master Program.

If Ecology rejects or modifies part or all of the elements of the King County Shoreline Master Program, King County reserves the right to appeal this decision, in whole or part, to the Growth Management Hearings Board and the courts.

SP8-2 If the Department of Ecology rejects part or all of King County's Shoreline Master Program, or if the Department of Ecology recommends changes that are unacceptable to King County, King County reserves the right to appeal the Department's decision to the Growth Management Hearings Board.

B. Effective Date of King County's Shoreline Master Program and Shoreline Regulations

1. Effective date of the King County Shoreline Master Program and associated regulations upon direct approval by the Department of Ecology

The King County Shoreline Master Program becomes effective on the date the Program is approved by the Washington State Department of Ecology. The Program regulations

become effective on the date of the Department of Ecology letter to King County approving the Program. Pursuant to the Shoreline Management Act, this is the effective date of the Program, regardless of any appeals filed by any individual or entity.

SP8-3 King County's Shoreline Master Program will become effective on the date of the letter from the Department of Ecology to King County approving the Program.

2. Effective date of Program if the Department of Ecology recommends changes or modifications to the Program.

If Ecology rejects or modifies elements of King County's Shoreline Master Program, the Program will become effective as indicated in the following policies.

SP8-4 If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County accepts those changes, the Program becomes effective on the date the Department of Ecology receives written notice from King County of its agreement to accept the proposed changes.

SP8-5 If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County submits an alternate proposal in response and the Department accepts the alternate proposal, the Program will become effective on the date of the letter from the Department of Ecology to King County accepting the alternate proposal.

SP8-6 If King County files an appeal with the Growth Management Hearings Board regarding a decision by the Department of Ecology to reject or modify part or all of the King County Shoreline Master Program, the Program will not become effective until the appeal is resolved and the Program is approved by the Department of Ecology.

3. Publication of notice of effective date of King County Shoreline Management Program and associated shoreline regulations.

King County will publish a general notice to inform the public of the effective date of the Shoreline Master Program.

SP8-7 Upon receipt of the letter from the Department of Ecology approving the King County Shoreline Master Program, King County will promptly publish notice that the Department of Ecology has taken final action and approved the Program. The notice will indicate the effective date.

C. Treaty Rights Not Affected by Shoreline Master Plan

King County has sought the input of and consulted with Tribes located in and adjacent to King County when developing the Shoreline Master Program. However, the Program and associated shoreline regulations shall not be construed to affect any treaty rights established between the United States and the individual Tribes.

SP8-8 Nothing in the King County Shoreline Master Program shall be construed to affect any treaty right to which the United States is a party.

D. Power to Abate Nuisance Retained by King County and the State of Washington

Adoption of the Shoreline Master Program is a requirement of the Shoreline Management Act. King County's compliance with this state law should not be construed in any way to limit or modify all other powers possessed by King County.

SP8-9 Nothing in the King County Shoreline Master Program shall be construed to limit the power of King County or the State of Washington to abate nuisances within the shoreline jurisdiction.

SP8-10 King County specifically reserves all rights, power, and authority granted to it by law. Nothing in the King County Shoreline Master Program shall be construed in any way to limit any power or authority possessed by King County.

SHORELINE MASTER PROGRAM

DEFINITIONS

Access. A. Public Access. Public access means actual unobstructed access available to the general public from land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark.

B. Limited Public Access. Limited public access means:

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

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

Act. Act means the Washington State Shoreline Management Act, chapter [90.58](#) RCW.

Active Recreation Site. Active recreation sites recognize a higher level of public use, and will require developed areas for organized or intense recreation. Active recreation site includes both the active recreation uses and all necessary support services and facilities.

Adaptive management. Adaptive management is a systematic approach for continually improving management policies and practices by learning from the outcomes of operational programs.

Agricultural activities. Agricultural activities means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural Production Districts (APD). The Growth Management Act requires cities and counties to designate, where appropriate, agricultural lands that are not characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. The comprehensive plan designates Agricultural Production Districts where the principal land use should be agriculture. Lands within Agricultural Production Districts should remain in parcels large enough for commercial agriculture.

Agricultural products. Agricultural products include, but are not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products

including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

Amendment. Amendment means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

Applicant. A property owner, a public agency or a public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.08.040, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

Approval. Approval means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

Backshore. Backshore means a berm, together with associated marshes or meadows on marine shores, landward of the ordinary high water mark which is normally above high tide level and has been gradually built up by accretion.

Best Management Practices (BMPs). These are defined by the Washington State Department of Ecology as physical, structural, and/or managerial practices that, when used singly, or in combination, prevent or reduce pollution of water. The types of BMPs are source control, runoff treatment, and stream bank erosion control.

Breakwater. Breakwater means an off-shore structure either floating or not which may or may not be connected to the shore, such structure being designated to absorb and/or reflect back into the water body the energy of the waves.

Buffer. A designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards or a designated area contiguous to and intended to protect and be an integral part of an aquatic area or wetland.

Bulkhead. Bulkhead means a solid or open pile wall of rock, concrete, steel or timber or other materials or a combination of these materials erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent wetlands and uplands from waves or currents.

Channel migration hazard area, moderate. A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone.

Channel migration hazard area, severe. A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present

channel width. The average annual channel migration rate as determined in the technical report is the basis for each Channel Migration Zone map.

Channel migration zone. Those areas within the lateral extent of likely stream channel movement that are subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion and shifts in the location of stream channels, as shown on King County's Channel Migration Zone maps. Channel migration zone means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area. Channel migration zone does not include areas that lie behind an arterial road, a public road serving as a sole access route, a state or federal highway or a railroad. Channel migration zone may exclude areas that lie behind a lawfully established flood protection facility that is likely to be maintained by existing programs for public maintenance consistent with designation and classification criteria specified by public rule. When a natural geologic feature affects channel migration, the channel migration zone width will consider such natural constraints.

Class I beach. Class I beach means a beach or shore having dependable, geologically fully developed, and normally dry backshore above high tide.

Class II beach. Class II beach means a beach or shore having only marginally, geologically partially developed and not dependably dry backshore above high tide.

Class III beach. Class III beach means a beach or shore having no dry backshore available at high tide.

Clearing. Cutting, killing, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, cutting means the severing of the main trunk or stem of woody vegetation at any point.

Clustering. Clustering means developing a subdivision that reduces the individual lot areas to create permanent open space or a reserve for future development while it maintains the zoned residential density.

Coarsening. Coarsening is where areas of mixed substrates (i.e. sand, pebbles and cobbles) are sorted by a process (i.e. wave energy) such that the smaller substrates are washed away and only the larger substrates are left. Under natural conditions, finer substrates would be replaced over time, but this phenomenon primarily occurs when updrift sediments sources have been artificially cut off.

Comprehensive Plan. The Growth Management Act requires certain cities and counties of the state to adopt comprehensive land use plans. A comprehensive plan is a generalized, coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to the Growth Management Act. A comprehensive plan consists of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. Each comprehensive plan includes a plan, scheme or design for land use, housing, capital facilities, utilities, rural areas, and transportation. Optional components include elements relating to conservation, solar energy, recreation, and subarea plans.

Countywide Planning Policies (CPP). The Growth Management Act requires that counties, as regional governments within their boundaries, prepare countywide planning policies which establish a countywide framework from which county and city comprehensive plans are to be developed and adopted. This framework is to ensure that city and county comprehensive plans are consistent. The King County Countywide Planning Policies were developed and recommended by the Growth Management Planning Council and are to serve as a blueprint for how King County and its cities should grow over the next 20 years. The Metropolitan King County Council adopted these policies in 1992. Since this time, amendments called Phase II Countywide Planning Policies have been made to the sections pertaining to affordable housing, economic development and rural character. The County Council has adopted these Phase II amendments.

Critical Areas. The Growth Management Act requires cities and counties to designate, where appropriate, critical areas which include: 1) wetlands, 2) areas with a critical recharging effect on aquifers used for potable water, 3) fish and wildlife habitat conservation areas, 4) frequently flooded areas, and 5) geologically hazardous areas.

Cultural Resources. Cultural resources include performing and visual arts events, programs and facilities; public art; heritage events, programs and facilities; and historic properties.

Cumulative impacts. The sum total of the current, plus any reasonably foreseeable future disturbances to ecological functions, which can be impacted by both development subject to shoreline permits and by development that is not subject to permits

Department. Department means the Washington state department of ecology.

Development. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

Development regulations. Development regulations means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter [90.58](#) RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Down drift beaches... Along marine shorelines beach sediment moves along the shoreline predominately in one direction depending on the winds and the shape of the shoreline. It has been described as a river of sand flowing very slowly along a beach. Down drift beaches are beaches those that are located downstream of some predetermined point up drift (also see Drift Cells).

Dredging. Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water

bodies, ditches, or natural wetlands; maintenance dredging and/or support activities are included in this definition.

Drift cell. An independent segment of shoreline along which littoral movements of sediments occur at noticeable rates depending on wave energy and currents. Each drift cell typically includes one or more sources of sediment, such as a feeder bluff or stream outlet that spills sediment onto a beach, a transport zone within which the sediment drifts along the shore and an accretion area; an example of an accretion area is a sand spit where the drifted sediment material is deposited.

Dwelling unit. One or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.

Ecological functions or shoreline functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC [173-26-200](#) (2)(c).

Ecosystem. Ecosystem means the complex of a community of organisms and its environment functioning as an ecological unit.

Ecosystem-wide processes. Ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Embankment Fill Slopes - Fill slopes compacted by equipment.

Endangered Species. Endangered Species means any species which is in danger of extinction throughout all or a significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the Washington State Department of Fish and Wildlife.

Endangered Species Act (ESA). An act adopted by U.S. Congress in 1973 whose purpose is to provide a means whereby ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation for such endangered and threatened species.

Environment. Environment or master program environment or shoreline environment means the categories of shorelines of the state established by the King County shoreline management master program to differentiate between areas whose features imply differing objectives regarding their use and future development.

Extreme low tide. Extreme low tide means the lowest line on the land reached by a receding tide.

Feasible. Feasible means, for the purpose of this program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - (b) The action provides a reasonable likelihood of achieving its intended purpose;
- and
- (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

FEMA floodway. The channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the 100-year flood flow without increasing the base flood elevation more than one foot.

Fill. Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and Wildlife Habitat Conservation Areas. Designation of Fish and Wildlife Habitat Conservation Areas is required by the Growth Management Act. This Comprehensive Plan designates the following as such areas: 1) areas with which endangered, threatened, and sensitive species have a primary association; 2) habitats and species of local importance; 3) commercial and recreational shellfish areas; 4) kelp and eel grass beds; 5) herring and smelt spawning areas; 6) naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; 7) waters of the state; 8) lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and 9) state natural area preserves and natural resource conservation areas.

Float. Float means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the waters of King County and which is not connected to the shoreline.

Floating home. Floating home means a houseboat, boat or building constructed on a float, used in whole or in part for human habitation as a dwelling unit, and which is moored, anchored, or otherwise secured in waters within unincorporated King County.

Floodplain. Floodplain is the total area subject to inundation by the 100-year flood.

Floodway, zero-rise. Floodway zero-rise is the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation.

A. For the purpose of this definition, measurable increase in base flood elevation means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly

attributable to alterations of the topography or any other flow obstructions in the floodplain. Zero-rise floodway is broader than that of the FEMA floodway but always includes the FEMA floodway.

B. Zero-rise floodway includes the entire floodplain unless a critical areas report demonstrates otherwise.

Forest practice. Forest practice is any forest practice as defined in RCW 79.06.020.

Forest Production Districts (FPD). The Growth Management Act requires cities and counties to designate, where appropriate, forest lands that are not characterized by urban growth and that have long-term significance for the commercial production of timber. The Comprehensive Plan designates Forest Production Districts where the primary use should be commercial forestry. Lands within the Forest Production District shall remain in large parcels and in ownership conducive to forestry.

Geotechnical report or geotechnical analysis. Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading. Grading is any excavation, filling, removing the duff layer or any combination thereof.

Growth Management Act (GMA). In 1990, the Washington State Legislature passed the State Growth Management Act (ESHB 2929). The Act calls for urban counties and cities in the state to develop comprehensive plans to guide growth management decisions for at least the next decade. Amendments to the Act in 1991 require that counties, working with the cities within their boundaries, develop Countywide Planning Policies to provide a common vision of the future to serve as the framework for all comprehensive plans throughout the county.

Growth Management Planning Council (GMPC). The GMPC, which was established by an interlocal agreement, is a 15-member council of elected officials from Seattle, suburban cities and King County. The GMPC has been responsible for the preparation and recommendation of the Countywide Planning Policies to the Metropolitan King County Council, which then adopts the policies and sends them to the cities for ratification.

Guidelines. Guidelines mean those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.

Habitat. Habitat is the area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space.

High tide beach. -----

Hyporheic zone. Hyporheic zone is the area beneath and adjacent to streams and rivers where groundwater and surface water readily exchange.

Impervious surface. Impervious surface is a nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates including, but not limited to, roofs, swimming pools and areas that are paved, graveled or made of packed or oiled earthen materials such as roads, walkways or parking areas. Impervious surface does not include landscaping and surface water flow control and water quality treatment facilities.

Jetty. A jetty means a artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment.

Landfill. Landfill is a disposal site or part of a site at which refuse is deposited.

Littoral drift. Littoral drift means the natural movement of sediment along marine or lake shorelines by wave breaker action in response to prevailing winds.

Local government. Local government means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter [90.58](#) RCW.

Long shore transport. _____

Marine. Marine means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

Master program. Master program is the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW [90.58.020](#).

May. May means the action is acceptable, provided it conforms to the provisions of this chapter.

Multifamily. Multifamily housing structures are those with more than one unit. Multifamily housing includes duplexes, apartments and condominiums.

Multiple Use. The combining of compatible uses within one development. The major use or activity must be shoreline dependent. The major use or activity must be in terms of both dollar value and commitment of land.

Must. Must means a mandate; the action is required.

Natural Resource Lands. The Growth Management Act requires cities and counties to designate natural resource lands which include the following: 1) agricultural lands that have long-term significance for the commercial production of food or other agricultural products; 2) forest lands that have long-term significance for the commercial production of timber; and 3) mineral resource lands that have long-term significance for the extraction of minerals. The Comprehensive Plan designates Agricultural Production Districts, Forest Production Districts, and Mineral Resource Sites.

Non-point Pollution. Non-point pollution is pollution which enters any waters of the State from any dispersed land-based or water-based activities, including but not limited to atmosphere disposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels.

Nonwater-dependent. Nonwater-dependent use means those uses that are not water-dependent.

Nonwater-oriented uses. Nonwater-oriented uses means those uses that are not water-dependent, water-related, or water-enjoyment.

Open space. Open space are areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective buffers for environmentally sensitive areas, provide a visual contrast to continuous development, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources.

Ordinary high water mark. See "ordinary high water mark" as defined in Section 1 Technical Appendix E.

Passive Recreation Site. Passive recreation sites require a lower level of development and provide areas for informal, self-directed activities for individuals and groups.

Pier. Pier or dock means a structure built in or over or floating upon the water extending from the shore, which may be used as a landing place for marine transport or for air or water craft or recreational activities.

Port. Port means a terminal facility where general and/or bulk cargos are stored and/or transferred from land carriers to water carriers or vice versa.

Primary association. Primary association relates to the habitat that hosts a species for much of its life cycle.

Priority habitat. Priority habitat means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;

- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife. [WAC 173-26-020 (24)]

Priority species means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC [232-12-014](#)), threatened (WAC [232-12-011](#)), or sensitive (WAC [232-12-011](#)). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC [232-12-297](#).

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Puget Sound Regional Council (PSRC). The PSRC is the designated metropolitan planning organization for our area and is responsible for regional growth management and transportation planning in the four county region which includes King, Pierce, Snohomish and Kitsap Counties. PSRC's General Assembly includes mayors, county executives, and council commission members from the four counties. The Council also includes as members the ports of Everett, Seattle and Tacoma and the State Department of Transportation and Transportation Commission. The PSRC prepared Multi-county Planning Policies for the four-county region.

Redesignation. Redesignation means a change in the shoreline environment designation by the procedures provided in Chapter 25.32 of this title.

Riparian. Riparian pertains to the banks of rivers and streams, and also sometimes wetlands, tidewater and lakes.

Rural Area (See also Rural Zoning). The Growth Management Act requires that counties designate a rural area in order to conserve the rural character and quality of the existing rural lands in Washington. King County's Rural Area contains very low-density residential development, commercial and industrial development, farms, forests, watersheds crucial for both fisheries and flood control, mining areas, small cities and towns, historic sites and buildings, archaeological sites and regionally important recreation areas.

Rural Zoning. The rural zone is meant to provide an area-wide, long-term, rural character and to minimize land use conflicts with nearby agricultural, forest or mineral extraction production districts. These purposes are accomplished by: 1) limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and are able to be adequately supported by rural service levels; 2) allowing small scale farming and forestry activities and tourism and recreation uses which can be supported by rural service levels and which are compatible with rural character; and 3) increasing required setbacks to minimize conflicts with adjacent agriculture, forest or mineral zones.

Salmonid. A member of the fish family Salmonidae. In King County, salmonid species include Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, rainbow, and brown trout and steelhead; Dolly Varden, brook trout, char, kokanee, and whitefish.

Sensitive Species. Sensitive species means any species which is likely to become an endangered species within the foreseeable future throughout all or significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the Washington State Department of Fish and Wildlife.

Shall. Shall means a mandate; the action must be done.

Shorelands or shoreland areas. Shorelands or shoreland areas means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter [36.70A](#) RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter [76.09](#) RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter.

Shoreline areas and shoreline jurisdiction. Shoreline areas and shoreline jurisdiction means all shorelines of the state and shorelands as defined in RCW [90.58.030](#).

Shoreline master program or master program (SMP). Shoreline master program or master program means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text,

a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW [90.58.020](#). As provided in RCW [36.70A.480](#), the goals and policies of a shoreline master program for a county or city approved under chapter [90.58](#) RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter [90.58](#) RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline modifications. Shoreline modifications means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline substantial development permit. A permit required for any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state.

Shorelines. Shorelines means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of statewide significance. Shorelines of statewide significance means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta -- from DeWolf Bight to Tatsolo Point,

(B) Birch Bay -- from Point Whitehorn to Birch Point,

(C) Hood Canal -- from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and

(E) Padilla Bay -- from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e).

Shorelines of the state. Shorelines of the state are the total of all shorelines and shorelines of statewide significance within the state.

Should. Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Significant vegetation removal. Significant vegetation removal means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

State shoreline master program. State shoreline master program means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

Substantially degrade. Substantially degrade means to cause significant ecological impact.

Substantial development. Substantial development means any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. Consumer price index means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain,

silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW [90.58.550](#);

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter [43.21C](#) RCW.

Tidelands. Tidelands are the beds and shores of navigable tidal waters lying between the line of ordinary high tide and the line of extreme low tide.

Urban Growth Area (UGA). The Growth Management Act requires King County's Comprehensive Plan to designate an Urban Growth Area, where most future urban growth and development is to occur to limit urban sprawl, enhance open space, protect rural areas and more efficiently use human services, transportation and utilities. The Comprehensive Plan designates an UGA which includes areas and densities sufficient to permit the urban growth that is projected to occur in the County for the succeeding 20-year period.

Water-dependent use. Water dependent use means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment use. Water enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use. Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality. Water quality means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term water quantity refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW [90.03.250](#) through [90.03.340](#).

Water-related use. Water-related use means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Watershed. A watershed, like a drainage basin, is an area that drains to a common outlet or an identifiable water body such as a river, stream, lake or wetland. The six major watersheds in King County are Cedar River, Green River, Skykomish River, Snoqualmie River and White River and the Puget Sound. These watersheds contain a total of 72 individual drainage basins.

Wetlands. Wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.