

**King County Shoreline Master Program
K.C.C. Code Sections Incorporated By Reference
(Including proposed amendments)**

1 SECTION 1. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150 are each
2 hereby amended to read as follows:

3 A. Except as otherwise provided in this section, in the RA zone the following standards
4 apply to clearing on individual lots:

5 1. For lots one and one-quarter acre or smaller:

6 a. clearing shall not exceed the greater of:

7 (1) the amount cleared before January 1, 2005, or cleared under a complete clearing
8 permit application filed before October 25, 2004, in accordance with previous county
9 regulations;

10 (2) fifty percent of the lot area; or

11 (3) seven thousand square feet.

12 b. any clearing required for the construction of access, utilities and septic systems
13 shall not be counted towards the amount of clearing allowed under this subsection;

14 2. For lots greater than one and one-quarter acres and up to fives acres in area, clearing
15 shall not exceed the greater of:

16 a. the amount legally cleared before January 1, 2005, or cleared under a complete
17 clearing permit application filed before October 25, 2004, in accordance with previous county
18 regulations; or

19 b. fifty percent of lot area;

20 3. For lots greater than fives acres, clearing shall not exceed the greater of:

21 a. the amount legally cleared before January 1, 2005, or cleared under a complete
22 clearing permit application filed before October 25, 2004, in accordance with previous county
23 regulations;

24 b. two and one-half acres, or

25 c. thirty-five percent of lot area; and

26 4. For lots greater than one and one-quarter acre in either the Bear Creek basin, the
27 Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater of:

28 a. the amount legally cleared before January 1, 2005, or cleared under a complete
29 clearing permit application filed before October 25, 2004, in accordance with previous county
30 regulations; or

31 b. thirty-five percent of lot area;

32 B. The standards in subsection A. of this section shall not apply if more restrictive
33 standards apply through:

34 1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

35 2. Property-specific development standards or special district overlays under K.C.C.
36 chapter 21A.38; or

37 3. Critical drainage area designations identified by adopted public rule.

38 C.1. If there is an approved and current rural stewardship plan or farm management plan
39 under K.C.C. chapter 21A.24, the maximum amount of clearing allowed under this section is
40 established by the rural stewardship plan or the farm management plan;

41 2. Subsection A. of this section does not apply to a lot within a subdivision or short
42 subdivision:

43 a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or

44 b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved with
45 clearing restrictions in accordance with this section as it existed prior to January 1, 2005;

46 3. On a lot within a subdivision or short subdivision that is not covered by subsection
47 C.2. of this section, any land located in an open space tract created as part of the subdivision or
48 short subdivision shall be credited to the individual lots in the subdivision or short subdivision on
49 a prorated basis according to the size of each lot in relation the entire area of the subdivision or
50 short subdivision;

51 4. The area within (~~(critical areas and critical area)~~) landslide or steep slope hazard
52 areas, wetlands, aquatic areas and the buffers(~~(, except for critical aquifer recharge areas,)~~) for
53 these critical areas may be counted towards meeting the requirements of subsection A. of this
54 section;

55 5. Clearing in areas encumbered by a utility corridor, or easement for a public road or
56 trail rights-of-way or an access easement shall not be counted toward the cleared area limit;

57 6. Clearing standards for mining uses shall be determined through the clearing and
58 grading permit review process; and

59 7. Clearing that is the minimum necessary to provide for the relocation of equestrian
60 community trails shall not be counted towards the cleared area limit.

61 D. The director may modify or wave subsection of this section for a development
62 proposal that meets the following conditions:

63 1. The development proposal consists of one or more of the following uses:

64 a. government services listed in K.C.C. 21A.08.060;

65 b. educational services listed in K.C.C. 21A.08.050;

66 c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or
67 proposed school;

68 d. libraries listed in K.C.C. 21A.08.040; and

69 e. road projects that are not part of a larger development proposal;

70 2. The development proposal site is not located in a designated regionally significant
71 resource area, except for utility or road corridors for which the applicant demonstrate that there is
72 no feasible alternative or that the development proposal is within an existing maintained corridor.
73 If only a portion of the project is located within a designated regionally significant resource area,
74 this subsection applies to that portion of the project located outside of the designated regionally
75 significant resource area; and

76 3. To the maximum extent practical, the project locates structures in already cleared
77 areas of the site and clears the minimum necessary to accommodate the proposed use which
78 includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the public
79 agency to carry out its public function.

80 E. The standards of this section shall be established at the time of permit application.
81 The area required to remain uncleared shall be designated on the site plan approved by the
82 department.

83 F. Areas that are required to remain uncleared under this section shall be maintained by
84 the property owner as a resource area. The uses permitted in the resource area shall not prevent
85 the long-term purpose of the resource area to promote forest cover and shall include uses such as:

86 1. Except in areas regulated by a source described in subsection B.3. of this section,
87 forest practices in accordance with a county-approved forest management plan;

88 2. Passive recreation uses and related facilities, including pedestrian, equestrian
89 community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar
90 uses that do not require permanent structures, if:

91 a. clearing and soil compaction associated with these uses and facilities does not
92 exceed eight percent of the area of the resource area; and

93 b. within wildlife habitat corridors, trail widths shall be the minimum allowed under
94 adopted trail standards and no other recreation uses shall be permitted in an area of the corridor
95 at least one hundred fifty feet in width;

96 3. Utilities and utility easements, including surface water facilities, if the facilities are
97 within or adjacent to existing road or utility easements to the maximum extent practical;

98 4. Pruning or removing hazard trees or removing downed trees;

99 5. Reducing the danger from wildfire by following best management practices
100 approved by the King County fire marshal;

101 a. removal of limbs within ten feet of the ground to prevent movement of fire from
102 ground level to treetops; and

103 b. removal of dead trees or branches overhanging a residence; and

104 6. Removal of noxious or invasive vegetation.

105 G. Before approving a development permit application for a parcel that has been cleared
106 in violation of the clearing standards in effect at the time of the clearing, the department shall
107 require the applicant submit to the department and implement a restoration plan to restore trees,
108 understory vegetation and soil to support and maintain the native vegetative cover on the
109 percentage of the site that was to remain uncleared under this section. If the clearing is in
110 violation of the six-year moratorium on permitting established in K.C.C. 16.82.140, the

111 department may determine whether the restoration plan is sufficient to mitigate for the impacts
112 resulting from the clearing violation.

113 SECTION 2. Ordinance 15053, Section 15 and K.C.C. 16.82.152 are each hereby
114 amended to read as follows:

115 A. Except as otherwise provided in this section, the following standards apply to clearing
116 allowed in subdivisions and short subdivisions in the RA zone:

117 1. Clearing shall not exceed thirty-five percent of the area of the subdivision and short
118 subdivision; and

119 2. The area remaining uncleared shall be:

120 a. shown on the face of the recorded plat map to delineate where the uncleared area is
121 to remain on each lot; and

122 b. marked with at least one sign per buildable lot adjoining the area indicating that the
123 area is a permanent resource management area.

124 B. The standards in subsection A. of this section shall not apply if more restrictive
125 standards apply through:

126 1. Property-specific development standards pursuant to K.C.C. chapter 21A.38; or

127 2. Critical drainage area designations identified by adopted administrative rule.

128 C. If sixty-five percent or more of the site is ~~((in critical areas and critical area buffers))~~
129 set aside in a critical area tract as required under K.C.C. chapter 21A.24, this section does not
130 apply.

131 D. Clearing to provide for the relocation of equestrian community trails shall not be
132 counted towards the cleared area limit.

133 E. The department may allow an increase in the amount of clearing up to fifty percent of
134 the site area of a subdivision or short subdivision if the area to remain uncleared:

135 1. Is placed in a separate resource tract that is:

136 a. separately identified from critical area tracts on the face of the recorded plat map;

137 and

138 b. retained by the subdivider, conveyed to residents of the subdivision, or conveyed to
139 a third party;

140 2. Is situated in a manner that minimizes fragmentation of wildlife habitat or that
141 maximizes protection of critical areas and prevention of flooding, erosion, and groundwater
142 impacts based on site characteristics, including topography and soils; and

143 3. Complies with either of the following:

144 a. A reforestation plan for the tract is approved and implemented, if the tract has been
145 legally harvested, or

146 b. One or more of the following habitats is preserved that is not contained within
147 another critical area or critical area buffer:

148 (1) cave;

149 (2) old-growth forest;

150 (3) mature forest;

151 (4) area that has an abundance of snags;

152 (5) talus slope;

153 (6) breeding habitat for a species that the county should protect under the King County

154 Comprehensive Plan;

155 (7) foraging habitat for any species that the county shall protect or should protect
156 under the King County Comprehensive Plan; or

157 (8) a vegetated corridor that connects critical areas, priority habitat areas, designated
158 regionally or locally significant resource areas, and other areas of high wildlife value.

159 F. The approval of a subdivision or short subdivision application for a parcel that has
160 been cleared in violation of the regulations in effect at the time of the clearing shall require the
161 restoration of trees, understory vegetation and soil to support and maintain native vegetation
162 cover on the percentage of the site that was to remain uncleared under this section. The applicant
163 shall submit to the department a restoration plan. If the clearing is in violation of the six-year
164 moratorium on permitting authorized in K.C.C. 16.82.140, the department may determine
165 whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing
166 violation.

167 G. The ~~((uses permitted within a resource land tract))~~ area required to remain uncleared
168 under this section shall be ~~((limited))~~ maintained as a resource area as provided in K.C.C.
169 16.82.150.F.

170 SECTION 3. Ordinance 15051, Section 137 and K.C.C. 21A.24.045 are each hereby
171 amended to read as follows:

172 A. Within the following seven critical areas and their buffers all alterations are allowed if
173 the alteration complies with the development standards, impact avoidance and mitigation
174 requirements and other applicable requirements established in this chapter:

- 175 1. Critical aquifer recharge area,
- 176 2. Coal mine hazard area;
- 177 3. Erosion hazard area;

- 178 4. Flood hazard area except in the severe channel migration hazard area;
- 179 5. Landslide hazard area under forty percent slope;
- 180 6. Seismic hazard area; and
- 181 7. Volcanic hazard areas.

182 B. Within the following seven critical areas and their buffers, unless allowed as an
 183 alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C.
 184 of this section are allowed if the alteration complies with conditions in subsection D. of this
 185 section and the development standards, impact avoidance and mitigation requirements and other
 186 applicable requirements established in this chapter:

- 187 1. Severe channel migration hazard area;
- 188 2. Landslide hazard area over forty percent slope;
- 189 3. Steep slope hazard area;
- 190 4. Wetland;
- 191 5. Aquatic area;
- 192 6. Wildlife habitat conservation area; and
- 193 7. Wildlife habitat network.

194 C. In the following table where an activity is included in more than one activity category,
 195 the numbered conditions applicable to the most specific description of the activity governs.
 196 Where more than one numbered condition appears for a listed activity, each of the relevant
 197 conditions specified for that activity within the given critical area applies. For alterations
 198 involving more than one critical area, compliance with the conditions applicable to each critical
 199 area is required.

<p>KEY Letter "A" in a cell means alteration is allowed</p>
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L	O	S	A	W	B	A	B	C	W	A
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<p>A number in a cell means the corresponding numbered condition in subsection D. applies</p> <p>"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</p>	A	V	T	N	E	U	Q	U	H	I	N
	N	E	E	D	T	F	U	F	A	L	D
	D	R	E		L	F	A	F	N	D	
	S		P	B	A	E	T	E	N	L	N
	L	40%	S	U	A	R	I	R	E	I	E
	I			F	N		C		L	F	T
	D	A	L	F	D			A		E	W
	E	N	O	E	A		A	N	M	A	O
		D	P	R	N		R	D	I	R	R
	H		E		D		E		G	E	K
	A	B					A	S	R	A	
	Z	U	H				A	E	A		
	A	F	A				N	V	T		
	R	F	Z				D	E	I		
	D	E	A					R	O		
		R	R					E	N		
ACTIVITY			D								
Structures											
Construction of new single detached dwelling unit					A 1		A 2				
Construction of nonresidential structure					A 3		A 3		A 3, 4		
Maintenance or repair of existing structure	A 5		A		A		A		A 4		
Expansion or replacement of existing structure	A 5, 7		A 5, 7		A 7, 8		A 6, 7, 8		A 4, 7		
Interior remodeling	A		A		A		A		A		
Construction of new dock or pier					A 9		A 9, 10, 11				
Maintenance, repair or replacement of dock or pier					A 12		A 10, 11		A 4		
Grading											
Grading			A 13				A 14		A 4, 14		
Construction of new slope stabilization	A 15		A 15		A 15		A 15		A 4, 15		
Maintenance of existing slope stabilization	A 16		A 13		A 17		A 16, 17		A 4		
Mineral extraction	A		A								
Clearing											
Clearing	A 18		A 18, 19		A 18, 20		A 14, 18, 20		A 4, 14, 18, 20		
Cutting firewood			A 21		A 21		A 21		A 4, 21		
Removal of vegetation for fire safety	<u>A22</u>		<u>A22</u>		A 22		A 22		A 4, 22		
Removal of noxious weeds or invasive	A 23		A 23		A 23		A 23		A 4, 23		

vegetation					
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
<u>Construction of new road in a plat</u>			<u>A26</u>	<u>A26</u>	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, ((or)) farm field access drive <u>or parking lot</u>	A	A	A 17	A 17	A 17, 27
<u>Construction of a bridge or culvert as part of a driveway or private access road</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A <u>16, 17</u>	A <u>16, 17</u>	A <u>16, 17, 31</u>	A <u>16, 17, 31</u>	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
<u>Construction of a new residential utility</u>	<u>A 32, 33</u>	<u>A 32, 33</u>	<u>A 32,</u>	<u>A 32, 60</u>	<u>A 27, 32, 60</u>

<u>service distribution line</u>					
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A <u>32</u> , 33	A <u>32</u> , 33	A <u>32</u> , 38	A 32, ((39)) <u>38</u>	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, ((39)) <u>38</u>	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
<u>Flood risk reduction gravel removal</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<u>Construction of new stream bank or channel stabilization and maintenance of existing stream bank or channel stabilization</u>				<u>A 27, 42, 43</u>	<u>A 4, 27, 42, 43</u>
Recreation ((areas))					

Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
<u>Environmental education project</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A <u>23</u> , 58	A <u>23</u> , 58	A <u>23</u> , 53, 54, 58	A <u>23</u> , 53, 54, 58	A 4, <u>23</u> , 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden((ing)) for personal consumption	A 59	A 59	A 59	A 59	A 59

Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17
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200 D. The following alteration conditions apply:

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

203 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created
204 before January 1, 2005, if:

205 a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-
206 five percent of the lake frontage, whichever constitutes the most developable lake frontage, has
207 existing density of four dwelling units per acre or more;

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

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

212 d. access is located to have the least adverse impact on the critical area and critical
213 area buffer;

214 e. the alteration is the minimum necessary to accommodate the development proposal
215 and in no case in excess of a development footprint of five thousand square feet;

216 f. the alteration does not exceed the residential development setbacks required under
217 K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer than:

218 (1) twenty-five feet of the ordinary high water mark of a lake shoreline designated
219 urban under K.C.C. chapter 25.16;

220 (2) fifty feet of the ordinary high water mark of a lake shoreline designated rural
221 under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

222 (3) one hundred feet of the ordinary high water mark of a lake shoreline designated
223 natural under K.C.C. chapter 25.28; and

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

226 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers
227 of wetlands or aquatic areas where:

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

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

231 c. the structure is either:

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

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

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

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

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

243 f. in a severe channel migration hazard area portion of an aquatic buffer only if:

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

245 (2) the structure is located where it is least subject to risk from channel migration;

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

247 (4) the total footprint of all accessory structures within the severe channel migration

248 hazard area will not exceed the greater of one thousand square feet or two percent of the severe

249 channel migration hazard area on the site.

250 4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat

251 conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.

252 5. Allowed for structures when:

253 a. the landslide hazard poses little or no risk of injury;

254 b. the risk of landsliding is low; and

255 c. there is not an expansion of the structure.

256 6. Within a severe channel migration hazard area allowed for:

257 a. existing legally established primary structures if:

258 (1) there is not an increase of the footprint of any existing structure; and

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

260 b. existing legally established accessory structures if:

261 (1) additions to the footprint will not make the total footprint of all existing structures

262 more than one-thousand square feet; and

263 (2) there is not an expansion of the footprint towards any source of channel migration

264 hazard, unless the applicant demonstrates that the location is less subject to risk and has less

265 impact on the critical area.

266 7. Allowed only in grazed wet meadows or the buffer or building setback outside a

267 severe channel migration hazard area if:

268 a. the expansion or replacement does not increase the footprint of a nonresidential
269 structure;

270 b.(1) for a legally established dwelling unit, the expansion or replacement, including
271 any expansion of a ~~((#))~~ legally established accessory structure or impervious surfaces allowed
272 under this subsection B.7.b., does not result in a cumulative increase in the footprint of the
273 dwelling unit and all other structures by more than one thousand square feet, not including any
274 expansion of a drainfield made necessary by the expansion of structures. To the maximum
275 extent practical, the replacement or expansion of a drainfield in the buffer should be located
276 within areas of existing lawn or landscaping, unless another location will have a lesser impact on
277 the critical area and its buffer;

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

282 (3) the location of the expansion has the least ~~((e))~~ adverse impact on the critical area;
283 and

284 (4) a comparable area of degraded buffer area shall be enhanced through removal of
285 nonnative plants and replacement with native vegetation pursuant to an approved landscaping plan;

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

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

- 290 8. Allowed upon another portion of an existing impervious surface outside a severe
291 channel migration hazard area if:
- 292 a. the structure is not located closer to the critical area; ~~((and))~~
- 293 b. the existing impervious surface within the critical area or buffer is not expanded;
- 294 and
- 295 c. the degraded buffer area is enhanced through removal of nonnative plants and
296 replacement with native vegetation pursuant to an approved landscaping plan.
- 297 9. Limited to piers or seasonal floating docks ~~((or piers))~~ in a category II, III or IV
298 wetland or its buffer or along a lake shoreline or its buffer where:
- 299 ~~a. ((the existing and zoned density of all properties abutting the entire lake shoreline~~
300 ~~averages three dwelling units per acre or more;~~
- 301 ~~b. at least seventy five percent of the lots abutting the shoreline or seventy five~~
302 ~~percent of the lake frontage, whichever constitutes the most lake frontage, has been developed~~
303 ~~with dwelling units;~~
- 304 ~~e. here is not any significant))~~ the vegetation where the alteration is proposed does not
305 consist of dominant herbaceous or woody vegetation six feet in width or greater and the ((loss))
306 lack of this vegetation ~~((was))~~ is not the result of any violation of law;
- 307 ~~((d.))~~ b. the wetland or lake shoreline is not a salmonid spawning area; ~~((and))~~
- 308 ~~((e.))~~ c. hazardous substances or toxic materials are not used; and
- 309 d. if located on a freshwater lake, the pier or dock conforms to the US Army Corps of
310 Engineers General Permit RGP-3.
- 311 10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are
312 not used.

313 11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard
314 area if in compliance with K.C.C. Title 25.

315 12. When located on a lake, must be in compliance with K.C.C. Title 25.

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

318 14. The following are allowed in the severe channel migration hazard area if conducted
319 more than one-hundred and sixty-five feet from the ordinary high water mark in the rural area
320 and one-hundred and fifteen feet from the ordinary high water mark in the urban area:

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

322 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent
323 of the severe channel migration hazard area.

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

327 16. Allowed when performed by, at the direction of or authorized by a government
328 agency in accordance with regional road maintenance guidelines.

329 17. Allowed when not performed under the direction of a government agency only if:

330 a. the maintenance or expansion does not involve the use of herbicides, hazardous
331 substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

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

334 (1) the work is in compliance with ditch standards in public rule; and

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

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

341 19. The limited trimming and pruning of vegetation for the making and maintenance of
342 view((s)) corridors or habitat enhancement under a vegetation management plan approved by the
343 department, if the soils are not disturbed and the activity will not adversely affect the long term
344 slope stability ((of the slope, erosion)) or water quality or cause erosion. The vegetation
345 management plan shall use native species with adequate root strength to add stability to a steep
346 slope.

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

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

350 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

351 b. within a wildlife network, cutting shall be in accordance with a management plan
352 approved under K.C.C. 21A.14.270, as recodified by this ordinance; and

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

355 22. Allowed only in buffers if in accordance with best management practices approved
356 by the King County fire marshal.

357 23. Allowed as follows:

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

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

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

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

366 (3) the cleared area is revegetated with native (~~or noninvasive~~) vegetation and
367 stabilized against erosion; and

368 (4) herbicide use is in accordance with federal and state law;

369 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

370 a. a forest management plan is approved for the site by the King County department of
371 natural resources and parks; and

372 b. the property owner provides a notice of intent in accordance with RCW 76.09.060
373 that the site will not be converted to nonforestry uses within six years.

374 25. Only if in compliance with published Washington state Department of Fish and
375 Wildlife and Washington state Department of Natural Resources Management standards for the
376 species. If there are no published Washington state standards, only if in compliance with
377 management standards determined by the county to be consistent with best available science.

378 26. Allowed only if:

379 a. there is not another feasible location with less adverse impact on the critical area
380 and its buffer;

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

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

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

386 e. the corridor will not change or diminish the overall aquatic area flow peaks,
387 duration or volume or the flood storage capacity.

388 27. To the maximum extent practical, during breeding season established under K.C.C.
389 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are
390 not operated within a wildlife habitat conservation area.

391 28. Allowed only if:

392 a. an alternative access is not available;

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

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

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

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

398 29. Only if in compliance with a farm management plan in accordance with K.C.C.
399 21A.24.051.

400 30. Allowed only if:

401 a. the replacement is made fish passable in accordance with the most recent
402 Washington state Department of Fish and Wildlife manuals or with the National Marine and
403 Fisheries Services guidelines for federally listed salmonid species; and

- 404 b. the site is restored with appropriate native vegetation.
- 405 31. Allowed if necessary to bring the bridge or culvert up to current standards and if:
- 406 a. there is not another feasible alternative available with less impact on the aquatic
- 407 area and its buffer; and
- 408 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 409 impacts to the aquatic area and its buffer's.
- 410 32. Allowed in an existing roadway if conducted consistent with the regional road
- 411 maintenance guidelines.
- 412 33. Allowed outside the roadway if:
- 413 a. the alterations will not subject the critical area to an increased risk of landslide or
- 414 erosion;
- 415 b. vegetation removal is the minimum necessary to locate the utility or construct the
- 416 corridor; and
- 417 c. significant risk of personal injury is eliminated or minimized in the landslide hazard
- 418 area.
- 419 34. Limited to the pipelines, cables, wires and support structures of utility facilities
- 420 within utility corridors if:
- 421 a. there is no alternative location with less adverse impact on the critical area and
- 422 critical area buffer;
- 423 b. new utility corridors meet the all of the following to the maximum extent practical:
- 424 (1) are not located over habitat used for salmonid rearing or spawning or by a species
- 425 listed as endangered or threatened by the state or federal government unless the department
- 426 determines that there is no other feasible crossing site;

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

428 (3) paralleling the channel or following a down-valley route near the channel is

429 avoided;

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

431 (1) the width is the minimized;

432 (2) the removal of trees greater than twelve inches diameter at breast height is

433 minimized;

434 (3) an additional, contiguous and undisturbed critical area buffer, equal in area to the

435 disturbed critical area buffer area including any allowed maintenance roads, is provided to

436 protect the critical area;

437 d. to the maximum extent practical, access for maintenance is at limited access points

438 into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance

439 road is necessary the following standards are met:

440 (1) to the maximum extent practical the width of the maintenance road is minimized

441 and in no event greater than fifteen feet; and

442 (2) the location of the maintenance road is contiguous to the utility corridor on the

443 side of the utility corridor farthest from the critical area;

444 e. the utility corridor or facility will not adversely impact the overall critical area

445 hydrology or diminish flood storage capacity;

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

447 g. the utility corridor serves multiple purposes and properties to the maximum extent

448 practical;

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

451 i. bored, drilled or other trenchless crossing is laterally constructed at least four feet
452 below the maximum depth of scour for the base flood;

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

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

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

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

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

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

463 36. Allowed for private individual utility service connections on site or to public
464 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
465 fertilizers are applied.

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

468 38. Allowed if:

469 a. conveying the surface water into the wetland or aquatic area buffer and discharging
470 into the wetland or aquatic area buffer or at the wetland or aquatic area edge has less adverse

471 impact upon the wetland or aquatic area or wetland or aquatic area buffer than if the surface
472 water were discharged at the buffer's edge and allowed to naturally drain through the buffer;

473 b. the volume of discharge is minimized through application of low impact
474 development and water quality measures identified in the King County Surface Water Design
475 Manual;

476 c. the conveyance and outfall are installed with hand equipment where feasible;

477 d. the outfall shall include bioengineering techniques where feasible; and

478 e. the outfall is designed to minimize adverse impacts to critical area.

479 39. (~~Allowed if constructed only with vegetation~~) Allowed only if:

480 a. there is no feasible alternative with less impact on the critical area and its buffer;

481 b. to the maximum extent practical, the bridge or culvert is located to minimize to the
482 critical area and its buffer;

483 c. the bridge or culvert is not located over habitat used for salmonid rearing or
484 spawning unless there is no other feasible crossing site;

485 d. construction occurs during approved periods for in-stream work;

486 e. bridge piers or abutments for bridge crossings are not placed within the FEMA
487 floodway or waterward of the ordinary high water mark; and

488 f. open trenching is used during low flow periods or within aquatic areas when they
489 are dry.

490 40. Allowed for an open, vegetated stormwater management conveyance system and
491 outfall structure that simulates natural conditions if:

492 a. fish habitat features necessary for feeding, cover and reproduction are included
493 when appropriate;

- 494 b. vegetation is maintained and added adjacent to all open channels and ponds, if
495 necessary to prevent erosion, filter out sediments or shade the water; and
- 496 c. bioengineering techniques are used to the maximum extent practical.
- 497 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 498 a. necessary to avoid erosion of slopes; and
- 499 b. bioengineering techniques are used to the maximum extent practical.
- 500 42. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
501 to prevent bank erosion only:
- 502 a. if consistent with the ((Washington state)) Integrated Stream Protection Guidelines
503 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques
504 are used to the maximum extent practical, unless the applicant demonstrates that other methods
505 provide equivalent structural stabilization and environmental function; and
- 506 b. to prevent bank erosion for the protection of:
- 507 (1) public roadways;
- 508 (2) sole access routes in existence before February 16, 1995; or
- 509 (3) new primary dwelling units, accessory dwelling units or accessory living quarters
510 and residential accessory structures located outside the severe channel migration hazard area if:
- 511 (a) the site is adjacent to or abutted by properties on both sides containing buildings
512 or sole access routes protected by legal bank stabilization in existence before February 16, 1995.
513 The buildings, sole access routes or bank stabilization must be located no more than six hundred
514 feet apart as measured parallel to the migrating channel; and
- 515 (b) the new primary dwelling units, accessory dwelling units, accessory living
516 quarters or residential accessory structures are located no closer to the aquatic area than existing

517 primary dwelling units, accessory dwelling units, accessory living quarters or residential
518 accessory structures on abutting or adjacent properties.

519 43. Applies to lawfully established existing structures if:

520 a. maintained by a public agency;

521 b. the height of the facility is not increased, unless the facility is being replaced in a
522 new alignment that is landward of the previous alignment;

523 c. the linear length of the ~~((affected edge of the))~~ facility is not increased, unless the
524 facility is being replaced in a new alignment that is landward of the previous alignment;

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

526 e. consistent with ~~((King County's Guidelines for Bank Stabilization Projects (King~~
527 ~~County Surface Water Management 1993)))~~ the Integrated Stream Protection Guidelines
528 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques
529 are used to the maximum extent practical; ~~((and))~~

530 f. the site is restored with appropriate native vegetation and erosion protection
531 materials; and

532 g. based on a critical areas report, the department determines that the maintenance,
533 repair, replacement or construction will not cause significant impacts to upstream or downstream
534 properties.

535 44. Allowed in type N and O aquatic areas if done in least impacting way at least
536 impacting time of year, in conformance with applicable best management practices, and all
537 affected instream and buffer features are restored.

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

539 a. included as part of a project to evaluate, restore or improve habitat, and

540 b. sponsored or cosponsored by a public agency that has natural resource management
541 as a function or by a federally recognized tribe.

542 46. Allowed as long as the trail is not constructed of impervious surfaces that will
543 contribute to surface water run-off, unless the construction is necessary for soil stabilization or
544 soil erosion prevention or unless the trail system is specifically designed and intended to be
545 accessible to handicapped persons.

546 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed ~~((as far~~
547 ~~landward as feasible))~~ in the buffer or for crossing a category II, III or IV wetland or a type F, N
548 or O aquatic area, if:

549 a. the trail surface is ~~((not))~~ made of ~~((im))~~ pervious materials, except that public
550 multipurpose trails may be made of impervious materials if they meet all the requirements in
551 K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a
552 raised boardwalk or bridge; ~~((and))~~

553 b. to the maximum extent practical, buffers are expanded equal to the width of the trail
554 corridor including disturbed areas;

555 c. there is not another feasible location with less adverse impact on the critical area
556 and its buffer;

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

560 e. the trail width is minimized to the maximum extent practical;

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

562 g. the trail corridor will not change or diminish the overall aquatic area flow peaks,
563 duration or volume or the flood storage capacity.

564 h. the trail may be located across a critical area buffer for access to a viewing platform
565 or to a permitted dock or pier;

566 i. A private viewing platform may be allowed if it is:

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

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

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

572 (4) constructed of materials that are non-toxic; and

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

574 48. Only if the maintenance:

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

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

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

581 49. Limited to alterations to restore habitat forming processes or directly restore habitat
582 function and value, including access for construction, as follows:

583 a. projects sponsored or cosponsored by a public agency that has natural resource
584 management as a primary function or by a federally recognized tribe;

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

586 c. conducted in accordance with an approved forest management plan, farm

587 management plan or rural stewardship plan.

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

591 51. Allowed for the ((limited)) minimal clearing and grading, including site access,
592 necessary ((needed)) to prepare critical area reports.

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

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

596 b. survey monument placement;

597 c. site exploration and gage installation if performed in accordance with state-
598 approved sampling protocols and accomplished to the maximum extent practical by hand-held
599 equipment and; or similar work associated with an incidental take permit issued under Section 10
600 or consultation under Section 7 of the Endangered Species Act.

601 53. Limited to activities in continuous existence since January 1, 2005, with no
602 expansion within the critical area or critical area buffer. "Continuous existence" includes
603 cyclical operations and managed periods of soil restoration, enhancement or other fallow states
604 associated with these horticultural and agricultural activities.

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

606 a. the site is predominantly involved in the practice of agriculture;

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

608 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
609 practice permit; or

610 (2) is more than ten thousand square feet with tree cover at a uniform density more
611 than ninety trees per acre and with the predominant mainstream diameter of the trees at least four
612 inches diameter at breast height, not including areas that are actively managed as agricultural
613 crops for pulpwood, Christmas trees or ornamental nursery stock;

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

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

618 55. Only allowed in grazed or tilled wet meadows or their buffers if:

619 a. the facilities are designed to the standards of an approved farm management plan in
620 accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with
621 K.C.C. chapter 21A.30;

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

623 c. the facilities are located close to the outside edge of the buffer to the maximum
624 extent practical.

625 56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
626 if:

627 a. the facilities are designed to the standards in an approved farm management plan in
628 accordance with K.C.C. 21A.24.051;

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

630 c. the structure is located where it is least subject to risk from channel migration.

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

635 58. If the agricultural drainage is used by salmonids, maintenance shall be in
636 compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

637 59. Allowed within existing landscaped areas or other previously disturbed areas.

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

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

643 b. the residential utility service distribution lines meet the all of the following, to the
644 maximum extent practical:

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

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

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

651 (4) the width of clearing is minimized;

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

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

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

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

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

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

662 61. Allowed if sponsored or cosponsored by the countywide flood control zone district
663 and the department determines that the project and its location:

664 a. is the best flood risk reduction alternative practicable;

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

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

667 d. will have the least adverse impact on the ecological functions of the critical area or its
668 buffer, including habitat for fish and wildlife that are identified for protection in the King County

669 Comprehensive Plan; and

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

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

672 b. Only allowed if:

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

675 (2) the project is located on public land or on land that is owned by a non-profit
676 agency whose primary function deals with natural resources management;

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

679 (4) the aquatic area or wetland is not a spawning area for fish species; and

680 (5) the project meets the following design criteria:

681 (A) to the maximum extent practical size of platform shall not exceed 100-square
682 feet;

683 (B) all construction materials for bird blinds, including the platform, pilings,
684 exterior and interior walls and roof, are constructed of non-toxic material, such as non-treated
685 wood, vinyl-coated wood, non-galvanized steel, plastic, plastic wood, fiberglass, or cured
686 concrete that the department determines will not have an adverse impact on water quality;

687 (C) the exterior of bird blinds are sufficiently camouflaged using netting or
688 equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical.
689 The camouflage shall be maintained to retain concealment effectiveness;

690 (D) the footings and other portions of the bird blind shall be located outside of the
691 wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if
692 applicable) to the maximum extent practical on the site;

693 (E) construction occurs during approved periods for work inside the Ordinary High
694 Water Mark;

695 (F) construction associated with bird blinds shall not occur from March 1 through
696 August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing
697 seasons;

698 (G) to the maximum extent practical, wheel chair access is provided;

699 (H) trail access is designed in accordance with public rules adopted by the
700 department;

701 (I) existing native vegetation within the critical area will remain undisturbed except
702 as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is
703 allowed; and

704 (J) disturbed bare ground areas around the structure must be replanted with native
705 vegetation approved by the department.

706 **SECTION 4. 21A.24.051 Agricultural activities development standards.**

707 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to
708 expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when
709 an agricultural activity is currently occurring on the site and the alteration is in compliance with an
710 approved farm management plan in accordance with this section or, for livestock activities, a farm
711 management plan in accordance with K.C.C. chapter 21A.30.

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

714 C. The department of natural resources and parks or its designee shall serve as the single
715 point of contact for King County in providing information on farm management plans for purposes
716 of this title. The department of natural resources and parks shall adopt a public rule governing the
717 development of farm management plans. The rule may provide for different types of farms
718 management plans related to different kinds of agricultural activities, including, but not limited to
719 the best management practices for dairy nutrient management, livestock management, horticulture
720 management, site development and agricultural drainage.

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

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

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

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

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

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

734 E. The property owner or applicant may develop the farm management plan as part of a
735 program offered or approved by King County. The plan shall include, but is not limited to, the
736 following elements:

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

739 2. Site-specific performance standards and best management practices to maintain,
740 restore or enhance critical areas and their buffers and maintain and enhance native vegetation on
741 the site including the best management practices for the installation and maintenance of farm
742 field access drives and agricultural drainages;

- 743 3. A plan for future changes to any existing structures or for any changes to the
744 landscape that involve clearing or grading;
- 745 4. A plan for implementation of performance standards and best management practices;
- 746 5. A plan for monitoring the effectiveness of measures taken to protect critical areas
747 and their buffers and to modify the farm management plan if adverse impacts occur; and
- 748 6. Documentation of compliance with flood compensatory storage and flood
749 conveyance in accordance with K.C.C. 21A.24.240.

750 F. A farm management plan is not effective until approved by the county. Before
751 approval, the county may conduct a site inspection, which may be through a program offered or
752 approved by King County, to verify that the plan is reasonably likely to accomplish the goals in
753 subsection D. of this section.

754 G. Once approved, activities carried out in compliance with the approved farm
755 management plan shall be deemed in compliance with this chapter. In the event of a potential
756 code enforcement action, the department of development and environmental services shall first
757 inform the department of natural resources and parks of the activity. Prior to taking code
758 enforcement action, the department of development and environmental services shall consult
759 with the department of natural resources and parks and the King Conservation District to
760 determine whether the activity is consistent with the farm management plan. (Ord. 15051 § 138,
761 2004).

762 SECTION 5. Ordinance 15051, Section 139 and K.C.C. 21A.24.055 are each hereby
763 amended to read as follows:

764 A. On a site zoned RA, the department may approve a modification of the minimum
765 buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum

766 clearing restrictions through a rural stewardship plan for single family detached residential
767 development in accordance with this section.

768 B. The property owner or applicant shall develop the rural stewardship plan as part of a
769 rural stewardship program offered or approved by King County and has the option of
770 incorporating appropriate components of a county-approved farm management or a county-
771 approved forest stewardship plan.

772 C. In its evaluation of any proposed modification of the minimum buffer widths for
773 aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
774 restrictions, the department shall consider the following factors:

775 1. The existing condition of the drainage basin or marine shoreline as designated on the
776 Basin and Shoreline Conditions Map;

777 2. The existing condition of wetland and aquatic area buffers;

778 3. The existing condition of wetland functions based on the adopted Washington State
779 Wetland Rating System for Western Washington, Washington state department of ecology
780 publication number 04-06-025, published August 2004;

781 4. The location of the site in the drainage basin; ~~((and))~~

782 5. The percentage of impervious surfaces and clearing on the site; and

783 6. Any existing development on the site that was approved as a result of a variance or
784 alteration exception that allowed development within a critical area or critical area buffer. If the
785 existing development was approved through a variance or alteration exception, the rural
786 stewardship plan shall demonstrate that the plan will result in enhancing the functions and values
787 of critical areas located on the site as if the development approved through the variance or
788 alteration exception had not occurred.

789 D. A rural stewardship plan does not modify the requirement for permits for activities
790 covered by the rural stewardship plan.

791 E. Modifications of critical area buffers shall be based on the following prioritized goals:

792 1. To avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction to
793 the maximum extent practical;

794 2. To avoid impacts to the higher quality wetland or aquatic area or the more protected
795 fish or wildlife species, if there is a potential to affect more than one category of wetland or
796 aquatic area or more than one species of native fish or wildlife;

797 3. To maintain or enhance the natural hydrologic systems on the site to the maximum
798 extent practical;

799 4. To maintain, restore or enhance native vegetation;

800 5. To maintain, restore or enhance the function and value of critical areas or critical
801 area buffers located on the site;

802 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian
803 corridors, wildlife habitat conservation areas and other priority habitats;

804 7. To minimize the impacts of development over time by implementing best
805 management practices and meeting performance standards during the life of the development;

806 and

807 8. To monitor the effectiveness of the stewardship practices and implement additional
808 practices through adaptive management to maintain, restore or enhance critical area functions
809 when necessary.

810 F. If a part or all of the site is located within the shoreline jurisdiction, the rural
811 stewardship plan shall:

812 1. Consider and be consistent with the goals of the Shoreline Management Act and the
813 policies of the King County Shoreline Master Program;

814 2. Consider the priorities of the King County Shoreline Protection and Restoration Plan;
815 and

816 3. Ensure no net loss of ecological processes and functions.

817 G. A rural stewardship plan may include, but is not limited to, the following elements:

818 1. Critical areas designation under K.C.C. 21A.24.500;

819 2. Identification of structures, cleared and forested areas and other significant features
820 on the site;

821 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

822 4. ~~((Site-specific best management practices;~~

823 5. ~~P))~~ Analysis of impacts of planned changes to any existing structures, ~~((or))~~ for other
824 changes to the site that involve clearing or grading or for new development;

825 5. Site-specific best management practices that mitigate impacts of development and
826 that protect and enhance the ecological values and functions of the site;

827 6. A schedule for implementation of the elements of the rural stewardship plan; and

828 7. A plan for monitoring the effectiveness of measures approved under the rural
829 stewardship plan and to modify if adverse impacts occur.

830 ~~((G.))~~ H. A rural stewardship plan may be developed as part of a program offered or
831 approved by King County and shall include a site inspection by the county to verify that the plan
832 is reasonably likely to accomplish the goals in subsection E. of this section to protect water
833 quality, reduce flooding and erosion, maintain, restore or enhance the function and value of

834 critical areas and their buffers and maintain or enhance native vegetation on the site of this
835 section.

836 ~~((H.))~~ I. A property owner who completes a rural stewardship plan that is approved by
837 the county may be eligible for tax benefits under the public benefit rating system in accordance
838 with K.C.C. 20.36.100.

839 ~~((I.))~~ J. If a property owner withdraws from the rural stewardship plan, in addition to any
840 applicable penalties under the public benefit rating system, the following apply:

841 1. Mitigation is required for any structures constructed in critical area buffers under the
842 rural stewardship plan; and

843 2. The property owner shall apply for buffer averaging or an alteration exception, as
844 appropriate, to permit any structure or use that has been established under the rural stewardship
845 plan and that would not otherwise be permitted under this chapter.

846 ~~((J.))~~ K. A rural stewardship plan is not effective until approved by the county. Before
847 approval, the county may conduct a site inspection, which may be through a program offered or
848 approved by King County, to verify that the plan is reasonably likely to accomplish the goals in
849 subsection E. of this section.

850 ~~((K.))~~ L. Once approved, activities carried out in compliance with the approved rural
851 stewardship plan shall be deemed in compliance with this chapter. In the event of a potential
852 code enforcement action, the department of development and environmental services shall first
853 inform the department of natural resources and parks of the activity. Prior to taking code
854 enforcement action, the department of development and environmental services shall consult
855 with the department of natural resources and parks to determine whether the activity is consistent
856 with the rural stewardship plan.

857 SECTION 6. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are
858 each hereby amended to read as follows:

859 A. The director may approve alterations to critical areas, critical area buffers and critical
860 area setbacks not otherwise allowed by this chapter as follows:

861 1. For linear alterations, the director may approve alterations to critical areas, critical
862 area buffers and critical area setbacks only when all of the following criteria are met:

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

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

867 c. the approval does not require the modification of a critical area development
868 standard established by this chapter;

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

872 e. the linear alteration:

873 (1) connects to or is an alteration to a public roadway, public trail, a utility corridor
874 or utility facility or other public infrastructure owned or operated by a public utility; or

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

876 2. For nonlinear alterations the director may approve alterations to critical areas except
877 wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and
878 wildlife habitat conservation areas, and alterations to critical area buffers and critical area
879 setbacks, when all of the following criteria are met:

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

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

883 c. the approval does not require the modification of a critical area development
884 standard established by this chapter;

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

888 e. for dwelling units, no more than (~~three~~) five thousand square feet or ten percent of
889 the site, whichever is greater, may be disturbed by structures, building setbacks or other land
890 alteration, including grading, utility installations and landscaping, but not including the area used
891 for a driveway or for an on-site sewage disposal system;

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

894 g. the critical area is not used as a salmonid spawning area; and

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

897 B. The director may approve alterations to critical areas, critical area buffers and critical
898 area setbacks if the application of this chapter would deny all reasonable use of the property.

899 The applicant may apply for a reasonable use exception pursuant to this subsection without first
900 having applied for an alteration exception under this section if the requested reasonable use

901 exception includes relief from development standards for which an alteration exception cannot

902 be granted pursuant to the provisions of this section. The director shall determine that all of the
903 following criteria are met:

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

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

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

910 d. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten percent of
911 the site, whichever is greater, may be disturbed by structures, building setbacks or other land
912 alteration, including grading, utility installations and landscaping but not including the area used
913 for a driveway or for an on-site sewage disposal system.

914 C. For the purpose of this section, "linear" alteration means infrastructure that supports
915 development that is linear in nature and includes public and private roadways, public trails,
916 private driveways, railroads, utility corridors and utility facilities.

917 D. Alteration exceptions approved under this section shall meet the mitigation
918 requirements of this chapter.

919 E. An applicant for an alteration exception shall submit a critical area report, as required
920 by K.C.C. 21A.24.110.

921 ~~((F. The hearing examiner shall provide to the clerk of the council a copy of the final
922 decision of an appeal of the department's decision under this section within thirty days after the
923 hearing examiner's decision. The clerk shall notify the council of the availability of the
924 decision.))~~

925 SECTION 7. 21A.24.125 **Avoiding impacts to critical areas.**

926 A. An applicant for a development proposal or alteration, shall apply the following
927 sequential measures, which appear in order of priority, to avoid impacts to critical areas and critical
928 area buffers:

929 1. Avoiding the impact or hazard by not taking a certain action;

930 2. Minimizing the impact or hazard by:

931 a. limiting the degree or magnitude of the action with appropriate technology; or

932 b. taking affirmative steps, such as project redesign, relocation or timing;

933 3. Rectifying the impact to critical areas by repairing, rehabilitating or restoring the
934 affected critical area or its buffer;

935 4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area
936 through engineered or other methods;

937 5. Reducing or eliminating the impact or hazard over time by preservation or
938 maintenance operations during the life of the development proposal or alteration;

939 6. Compensating for the adverse impact by enhancing critical areas and their buffers or
940 creating substitute critical areas and their buffers; and

941 7. Monitoring the impact, hazard or success of required mitigation and taking remedial
942 action.

943 B. The specific mitigation requirements of this chapter for each critical area or
944 requirements determined through the resource mitigation reserves program apply when
945 compensation for adverse impacts is required by the sequence in subsection A. of this section.
946 (Ord. 15051 § 149, 2004).

947 SECTION 8. 21A.24.130 **Mitigation and monitoring.**

948 A. If mitigation is required under this chapter to compensate for adverse impacts, unless
949 otherwise provided, an applicant shall:

950 1. Mitigate adverse impacts to:

951 a. critical areas and their buffers; and

952 b. the development proposal as a result of the proposed alterations on or near the critical
953 areas; and

954 2. Monitor the performance of any required mitigation.

955 B. The department shall not approve a development proposal until mitigation and
956 monitoring plans are in place to mitigate for alterations to critical areas and buffers.

957 C. Whenever mitigation is required, an applicant shall submit a critical area report that
958 includes:

959 1. An analysis of potential impacts;

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

962 3. A monitoring plan that includes:

963 a. a demonstration of compliance with this title;

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

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

967 (2) the mitigation involves the creation of a wetland; and

968 c. a monitoring schedule that may extend throughout the impact of the activity or, for
969 hazard areas, for as long as the hazard exists.

970 D. Mitigation shall not be implemented until after the department approves the mitigation
971 and monitoring plan. The applicant shall notify the department when mitigation is installed and
972 monitoring is commenced and shall provide King County with reasonable access to the mitigation
973 for the purpose of inspections during any monitoring period.

974 E. If monitoring reveals a significant deviation from predicted impact or a failure of
975 mitigation requirements, the applicant shall implement an approved contingency plan. The
976 contingency plan constitutes new mitigation and is subject to all mitigation including a monitoring
977 plan and financial guarantee requirements. (Ord. 15051 § 150, 2004; Ord. 10870 § 460, 1993).

978 **SECTION 9. 21A.24.133 Off-site mitigation.**

979 A. To the maximum extent practical, an applicant shall mitigate adverse impacts to a
980 wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network on or
981 contiguous to the development site. The department may approve mitigation that is off the
982 development site if an applicant demonstrates that:

- 983 1. It is not practical to mitigate on or contiguous to the development proposal site; and
984 2. The off-site mitigation will achieve equivalent or greater hydrological, water quality
985 and wetland or aquatic area habitat functions.

986 B. When off-site mitigation is authorized, the department shall give priority to locations
987 within the same drainage subbasin as the development proposal site that meet the following:

- 988 1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
989 2. Private mitigation sites that are established in compliance with the requirements of this
990 chapter and approved by the department; and

991 3. Public mitigation sites that have been ranked in a process that has been supported by
992 ecological assessments, including wetland and aquatic areas established as priorities for mitigation
993 in King County basin plans or other watershed plans.

994 C. The department may require documentation that the mitigation site has been
995 permanently preserved from future development or alteration that would be inconsistent with the
996 functions of the mitigation. The documentation may include, but is not limited to, a conservation
997 easement or other agreement between the applicant and owner of the mitigation site. King County
998 may enter into agreements or become a party to any easement or other agreement necessary to
999 ensure that the site continues to exist in its mitigated condition.

1000 D. The department shall maintain a list of sites available for use for off-site mitigation
1001 projects.

1002 E. The department may develop a program to allow the payment of a fee in lieu of
1003 providing mitigation on a development site. The program should address:

1004 1. When the payment of a fee is allowed considering the availability of a site in
1005 geographic proximity with comparable hydrologic and biological functions and potential for future
1006 habitat fragmentation and degradation; and

1007 2. The use of the fees for mitigation on public or private sites that have been ranked
1008 according to ecological criteria through one or more programs that have included a public process.
1009 (Ord. 15051 § 151, 2004).

1010

1011 **SECTION 10. 21A.24.200 Building setbacks.** Unless otherwise provided, an applicant
1012 shall set buildings and other structures back a distance of fifteen feet from the edges of all creitcal

1013 area buffers or from the edges of all critical areas, if no buffers are required. The following are
1014 allowed in the building setback area:

1015 A. Landscaping;

1016 B. Uncovered decks;

1017 C. Building overhangs if the overhangs do not extend more than eighteen inches into the
1018 setback area;

1019 D. Impervious ground surfaces, such as driveways and patios, but the improvements are
1020 required to meet any special drainage provisions specified in public rules adopted for the various
1021 critical areas;

1022 E. Utility service connections as long as the excavation for installation avoids impacts to
1023 the buffer; and

1024 F. Minor encroachments if adequate protection of the buffer will be maintained. (Ord.
1025 15051 § 157, 2004: Ord. 10870 § 467, 1993).

1026 **SECTION 11. 21A.24.210 Coal mine hazard areas — development standards and**
1027 **alterations.** The following development standards apply to development proposals and alterations
1028 on sites containing coal mine hazard areas:

1029 A. The applicant shall design alterations within coal mine hazard areas to:

1030 1. Minimize the risk of structural damage in a moderate coal mine hazard area; and

1031 2. Eliminate or minimize significant risk of personal injury in a severe coal mine hazard
1032 area;

1033 B. Within declassified coal mine areas all alterations are allowed;

1034 C. Within moderate coal mine hazard areas and coal mine by-product stockpiles, all
1035 alterations are allowed when the risk of structural damage is minimized; and

- 1036 D. Within severe coal mine hazard areas the following alterations are allowed:
- 1037 1. All grading, filling, stockpile removal, and reclamation activities undertaken in
- 1038 accordance with a coal mine hazard assessment report with the intent of eliminating or mitigating
- 1039 threats to human health, public safety, environmental restoration or protection of property if:
- 1040 a. signed and stamped plans have been prepared by a professional engineer;
- 1041 b. as-built drawings are prepared following reclamation activities; and
- 1042 c. the plans and as-built drawings are submitted to the department for inclusion with the
- 1043 coal mine hazard assessment report prepared for the property;
- 1044 2. Private road construction when significant risk of personal injury is eliminated or
- 1045 minimized;
- 1046 3. Buildings with less than four thousand square feet of floor area that contain no living
- 1047 quarters and that are not used as places of employment or public assembly when significant risk of
- 1048 personal injury is eliminated or minimized; and
- 1049 4. Additional land use activities if consistent with recommendations contained within any
- 1050 mitigation plan required by a critical area report. (Ord. 15051 § 159, 2004: Ord. 13319 § 7, 1998:
- 1051 Ord. 11896 § 1, 1995: Ord. 10870 § 468, 1993).

1052 **SECTION 12. 21A.24.220 Erosion hazard areas — development standards and**

1053 **alterations.** The following development standards apply to development proposals and alterations

1054 on sites containing erosion hazard areas:

- 1055 A. Clearing in an erosion hazard area is allowed only from April 1 to October 1, except
- 1056 that:
- 1057 1. Clearing of up to fifteen-thousand square feet within the erosion hazard area may occur
- 1058 at any time on a lot;

1059 2. Clearing of noxious weeds may occur at any time; and

1060 3. Forest practices regulated by the department are allowed at any time in accordance

1061 with a clearing and grading permit if the harvest is in conformance with chapter 76.09 RCW and

1062 Title 222 WAC;

1063 B. All subdivisions, short subdivisions, binding site plans or urban planned developments

1064 on sites with erosion hazard areas shall retain existing vegetation in all erosion hazard areas until

1065 building permits are approved for development on individual lots. The department may approve

1066 clearing of vegetation on lots if:

1067 1. The clearing is a necessary part of a large scale grading plan; and

1068 2. It is not feasible to perform the grading on an individual lot basis; and

1069 C. If the department determines that erosion from a development site poses a significant

1070 risk of damage to downstream wetlands or aquatic areas, based either on the size of the project, the

1071 proximity to the receiving water or the sensitivity of the receiving water, the applicant shall

1072 provide regular monitoring of surface water discharge from the site. If the project does not meet

1073 water quality standards established by law or public rules, the county may suspend further

1074 development work on the site until such standards are met. (Ord. 15051 § 160, 2004; Ord. 10870

1075 § 469, 1993).

1076 SECTION 13. Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240 are

1077 each hereby amended to read as follows:

1078 The following development standards apply to development proposals and alterations on

1079 sites within the zero-rise flood fringe:

1080 A. Development proposals and alterations shall not reduce the effective base flood storage

1081 volume of the floodplain. A development proposal shall provide (~~comensatory~~) compensatory

1082 storage if grading or other activity displaces any effective flood storage volume. Compensatory
1083 storage shall:

1084 1. Provide equivalent volume at equivalent elevations to that being displaced;
1085 2. Hydraulically connect to the source of flooding;
1086 3. Provide compensatory storage in the same construction season as when the
1087 displacement of flood storage volume occurs and before the flood season begins on September 30

1088 for that year; and

1089 4. Occur on the site. The director may approve equivalent compensatory storage off the
1090 site if legal arrangements, acceptable to the department, are made to assure that the effective
1091 compensatory storage volume will be preserved over time;

1092 B. A structural engineer shall design and certify all elevated construction and (~~submit~~)
1093 submit the design to the department;

1094 C. A civil engineer shall prepare a base flood depth and base flood velocity analysis and
1095 submit the analysis to the department. The director may waive the requirement for a base flood
1096 depth and base flood velocity analysis for agricultural structures that are not used for human
1097 habitation. Development proposals and alterations are not allowed if the base flood depth exceeds
1098 three feet (~~or~~) and the base flood velocity exceeds three feet per second except, the director may
1099 approve development proposals and alterations in areas where the base flood depth exceeds three
1100 feet and the base flood velocity exceeds three feet per second for the following projects:

1101 1. Agricultural accessory structures;

1102 2. Roads and bridges;

1103 3. Utilities;

1104 4. Surface water flow control or surface water conveyance systems;

- 1105 5. Public park structures; and
- 1106 6. Flood hazard mitigation projects, such as, but not limited to construction, repair or
1107 replacement of flood protection facilities or for building elevations or relocations;
- 1108 D. Subdivisions, short subdivisions, urban planned developments and binding site plans
1109 shall meet the following requirements:
- 1110 1. New building lots shall include five thousand square feet or more of buildable land
1111 outside the zero-rise floodway;
- 1112 2. All utilities and facilities such as sewer, gas, electrical and water systems are consistent
1113 with subsections E., F. and I. of this section;
- 1114 3. A civil engineer shall prepare detailed base flood elevations in accordance with FEMA
1115 guidelines for all new lots;
- 1116 4. A development proposal shall provide adequate drainage in accordance with the King
1117 County Surface Water Design Manual to reduce exposure to flood damage; and
- 1118 5. The face of the recorded subdivision, short subdivision, urban planned development or
1119 binding site plan shall include the following for all lots:
- 1120 a. building setback areas restricting structures to designated buildable areas:
- 1121 b. base flood data and sources and flood hazard notes including, but not limited to, base
1122 flood elevation, required flood protection elevations, the boundaries of the floodplain and the zero-
1123 rise floodway, if determined, and channel migration zone boundaries, if determined; and
- 1124 c. include the following notice:
- 1125 "Lots and structures located within flood hazard areas may be inaccessible by
1126 emergency vehicles during flood events. Residents and property owners should take appropriate
1127 advance precautions.";

- 1128 E. New residential structures and substantial improvements of existing residential
1129 structures shall meet the following standards:
- 1130 1. Elevate the lowest floor, including basement, to the flood protection elevation;
 - 1131 2. Do not fully enclose portions of the structure that are below the lowest floor area;
 - 1132 3. Design and construct the areas and rooms below the lowest floor to automatically
1133 equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and
1134 exit of floodwaters as follows:
 - 1135 a. provide a minimum of two openings on each of two opposite side walls in the
1136 direction of flow, with each of those walls having a total open area of not less than one square inch
1137 for every square foot of enclosed area subject to flooding;
 - 1138 b. design and construct the bottom of all openings so they are no higher than one foot
1139 above grade; and
 - 1140 c. screens, louvers or other coverings or devices are allowed over the opening if they
1141 allow the unrestricted entry and exit of floodwaters;
 - 1142 4. Use materials and methods that are resistant to and minimize flood damage; and
 - 1143 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
1144 conditioning equipment and other utilities that service the structure, such as duct-work to the flood
1145 protection elevation;
- 1146 F. New nonresidential structures and substantial improvements of existing nonresidential
1147 structures shall meet the following standards:
- 1148 1. Elevate the lowest floor to the flood protection elevation; or
 - 1149 2. Dry flood-proof the structure to the flood protection elevation to meet the following
1150 standards:

1151 a. the applicant shall provide certification by a civil or structural engineer that the dry
1152 flood-proofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts,
1153 uplift forces and other factors associated with the base flood. After construction, the engineer shall
1154 certify that the permitted work conforms to the approved plans and specifications; and

1155 b. approved building permits for dry flood-proofed nonresidential structures shall
1156 contain a statement notifying applicants that flood insurance premiums are based upon rates for
1157 structures that are one foot below the base flood elevation;

1158 3. Use materials and methods that are resistant to and minimize flood damage; and

1159 4. Design and construct the areas and rooms below the lowest floor to automatically
1160 equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and
1161 exit of floodwaters as follows:

1162 a. provide a minimum of two openings on each of two opposite side walls in the
1163 direction of flow, with each of those walls having a total open area of not less than one square inch
1164 for every square foot of enclosed area subject to flooding;

1165 b. design the bottom of all openings is no higher than one foot above grade; and

1166 c. screens, louvers or other coverings or devices are allowed if they do not restrict entry
1167 and exit of floodwaters; and

1168 5. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning
1169 equipment and other utility and service facilities to, or elevated above, the flood protection
1170 elevation;

1171 G. Anchor all new construction and substantially improved structures to prevent flotation,
1172 collapse or lateral movement of the structure. The department shall approve the method used to
1173 anchor the new construction;

- 1174 H. Newly sited manufactured homes and substantial improvements of existing
1175 manufactured homes shall meet the following standards:
- 1176 1. Manufactured homes shall meet all the standards in this section for residential
1177 structures and the following standards:
- 1178 a. anchor all manufactured homes; and
1179 b. install manufactured homes using methods and practices that minimize flood damage;
1180 and
- 1181 2. All manufactured homes within a new mobile home park or expansion of an existing
1182 mobile home park must meet the requirements for flood hazard protection for residential
1183 structures; and
- 1184 3. Only manufactured homes are allowed in a new or existing mobile home park located
1185 in a flood hazard area;
- 1186 I. Public and private utilities shall meet the following standards:
- 1187 1. Dry flood-proof new and replacement utilities including, but not limited to, sewage
1188 treatment and storage facilities, to, or elevate above, the flood protection elevation;
- 1189 2. Locate new on-site sewage disposal systems outside the floodplain. When there is
1190 insufficient ((~~soil area or~~)) area outside the floodplain, new on-site sewage disposal systems are
1191 allowed only in the zero-rise flood fringe. Locate on-site sewage ((~~disposal~~)) disposal systems in
1192 the zero-rise flood fringe to avoid:
- 1193 a. impairment to the system during flooding;
1194 b. contamination from the system during flooding; and
- 1195 3. Design all new and replacement water supply systems to minimize or eliminate
1196 infiltration of floodwaters into the system;

1197 4. Above-ground utility transmission lines, except for electric transmission lines, are
1198 allowed only for the transport of nonhazardous substances; and

1199 5. Bury underground utility transmission lines transporting hazardous substances at a
1200 minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by
1201 a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or
1202 upward migration is eliminated;

1203 J. Critical facilities are only allowed within the zero-rise flood fringe when a feasible
1204 alternative site is not available and the following standards are met:

1205 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or more
1206 feet above the base flood elevation, whichever is higher;

1207 2. Dry flood-proof and seal structures to ensure that hazardous substances are not
1208 displaced by or released into floodwaters; and

1209 3. Elevate access routes to or above the base flood elevation from the critical facility to
1210 the nearest maintained public street or roadway;

1211 K. New construction or expansion of existing livestock flood sanctuaries is only allowed
1212 as follows:

1213 1. A livestock flood sanctuary is only allowed if there is no other suitable holding area on
1214 the site outside the floodplain to which the livestock have access;

1215 2. Construct the livestock flood sanctuary to the standards in an approved farm
1216 management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

1217 The farm management plan shall demonstrate compliance with the following:

1218 a. flood storage compensation consistent with subsection A. of this section;

1219 b. siting and sizing that do not increase base flood elevations consistent with K.C.C.
1220 21A.24.250.B. and 21A.24.260.D; and

1221 c. siting that is located in the area least subject to risk from floodwaters; and

1222 L. New construction or expansion of existing livestock manure storage facilities is only
1223 allowed as follows:

1224 1. The livestock manure storage facility is only allowed if there is not a feasible
1225 alternative area on the site outside the floodplain;

1226 2. Construct the livestock manure storage facility to the standards in an approved farm
1227 management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

1228 The farm management plan shall demonstrate compliance with the following:

1229 a. flood storage compensation consistent with subsection A. of this section;

1230 b. siting and sizing that do not increase base flood elevations consistent with K.C.C.
1231 21A.24.250.B. and 21A.24.260.D;

1232 c. dry flood-proofing to the flood protection elevation; and

1233 d. siting that is located in the area least subject to risk from floodwaters.

1234 SECTION 14. Ordinance 10870, Section 472, as amended, and K.C.C. 21A.24.250 are
1235 each hereby amended to read as follows:

1236 The following development standards apply to development proposals and alterations on
1237 sites within the zero-rise floodway:

1238 A. The development standards that apply to the zero-rise flood fringe also apply to the
1239 zero-rise floodway. The more restrictive requirements shall apply where there is a conflict;

1240 B. A development proposal shall not increase the base flood elevation except as follow:

1241 1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in accordance
1242 with 44 CFR 70, to incorporate the increase in the base flood elevation; and

1243 2. Appropriate legal documents are prepared and recorded in which all property owners
1244 affected by the increased flood elevations consent to the impacts on their property;

1245 C. If post and piling construction techniques are used, the following are presumed to
1246 produce no increase in the base flood elevation and a critical areas report is not required to
1247 establish this fact:

1248 1. New residential structures outside the FEMA floodway on lots in existence before
1249 November 27, 1990, that contain less than five thousand square feet of buildable land outside the
1250 zero-rise floodway if the total building footprint of all existing and proposed structures on the lot
1251 does not exceed two-thousand square feet;

1252 2. Substantial improvements of existing residential structures in the zero-rise floodway,
1253 but outside the FEMA floodway, if the footprint is not increased; or

1254 3. Substantial improvements of existing residential structures that meet the standards for
1255 new residential structures in K.C.C. 21A.24.240.~~(E)~~D;

1256 D. When post or piling construction techniques are not used, a critical areas report is
1257 required in accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not increase
1258 the base flood elevation;

1259 E. During the flood season from September 30 to May 1 the following are not allowed to
1260 be located in the zero-rise floodway;

1261 1. All temporary seasonal shelters, such as tents and recreational vehicles; and

1262 2. Staging or stockpiling of equipment, materials or substances that the director
1263 determines may be hazardous to the public health, safety or welfare;

1264 F. New residential structures and substantial improvements to existing residential
1265 structures or any structure accessory to a residential use shall meet the following standards:

- 1266 1. Locate the structures outside the FEMA floodway;
- 1267 2. Locate the structures only on lots in existence before November 27, 1990, that contain
1268 less than five thousand square feet of buildable land outside the zero-rise floodway; and
- 1269 3. To the maximum extent practical, locate the structures the farthest distance from the
1270 channel, unless the applicant can demonstrate that an alternative location is less subject to risk;

1271 G. Public and private utilities are only allowed if:

- 1272 1. The department determines that a feasible alternative site is not available;
- 1273 2. A waiver is granted by the Seattle-King County department of public health for new
1274 on-site sewage disposal facilities;
- 1275 3. The utilities are dry flood-proofed to or elevated above the flood protection elevation;
- 1276 4. Above-ground utility transmission lines, except for electrical transmission lines, are
1277 only allowed for the transport of nonhazardous substances; and
- 1278 5. Underground utility transmission lines transporting hazardous substances are buried at
1279 a minimum depth of four feet below the maximum dept of scour for the base flood, as predicted by
1280 a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or
1281 upward migration is eliminated;

1282 H. Critical facilities, except for those listed in subsection I. of this section are not allowed
1283 within the zero-rise floodway; and

1284 I. Structures and installations that are dependent upon the zero-rise floodway are allowed
1285 in the zero-rise floodway if the development proposal is approved by all agencies with jurisdiction

1286 and meets the development standards for the zero-rise floodway. These structures and installations
1287 may include, but are not limited to:

- 1288 1. Dams or diversions for water supply, flood control, hydroelectric
1289 production, irrigation or fisheries enhancement;
- 1290 2. Flood damage reduction facilities, such as levees, revetments and pumping stations;
- 1291 3. Stream bank stabilization structures only if a feasible alternative does not exist for
1292 protecting structures, public roadways, flood protection facilities or sole access routes. Bank
1293 stabilization projects must ~~((meet the standards of King County's Guidelines for Bank Stabilization
1294 Projects (King County Surface Water Management 1993)))~~ be consistent with the Integrated
1295 Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002)
1296 and use bioengineering techniques to the maximum extent practical. An applicant may use
1297 alternative methods to the guidelines if the applicant demonstrates that the alternative methods
1298 provide equivalent or better structural stabilization, ecological and hydrological functions and
1299 salmonid habitat;
- 1300 4. Surface water conveyance facilities;
- 1301 5. Boat launches and related recreation structures;
- 1302 6. Bridge piers and abutments; and
- 1303 7. Approved aquatic area or wetland restoration projects including, but not limited to,
1304 fisheries enhancement projects.

1305 SECTION 15. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260 are
1306 each hereby amended to read as follows:

- 1307 A. The development standards that apply to the zero-rise floodway also apply to the
1308 FEMA floodway. The more restrictive standards apply where there is a conflict;

1309 B. A development proposal shall not increase the base flood elevation. A civil engineer
1310 shall certify, through hydrologic and hydraulic analyses performed in accordance with standard
1311 engineering practice, that any proposed encroachment would not result in any increase in flood
1312 levels during the occurrence of the base flood discharge;

1313 C. New residential or nonresidential structures are prohibited within the mapped FEMA
1314 floodway. A residential structure cannot be constructed on fill placed within the mapped FEMA
1315 floodway;

1316 D. Livestock flood sanctuaries and manure storage facilities are prohibited in the FEMA
1317 floodway;

1318 E. If the footprint of the existing residential structure is not increased, substantial
1319 improvements of existing residential structures in the FEMA floodway, meeting the requirements
1320 of WAC 173-158-070, as amended, are presumed to not increase the base flood elevation and do
1321 not require a critical areas report to establish this fact;

1322 F. Maintenance, repair, replacement or improvement of an existing residential structure
1323 located within the agricultural production district on property that is zoned agriculture (A) is
1324 allowed in the FEMA floodway if the structure meets the standards for residential structures and
1325 utilities in K.C.C. 21A.24.240 and also meets the following requirements:

- 1326 1. The existing residential structure was legally established;
- 1327 2. The viability of the farm is dependent upon a residential structure within close
1328 proximity to other agricultural structures; and
- 1329 3. Replacing an existing residential structure within the FEMA floodway is only allowed
1330 if:

1331 a. there is not sufficient buildable area on the site outside the FEMA floodway for the
1332 replacement;

1333 b. the replacement residential structure is not located in an area that increases the flood
1334 hazard in water depth, velocity or erosion;

1335 c. the building footprint of the existing residential structure is not increased; and

1336 d. the existing structure, including the foundation, is completely removed within ninety
1337 days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever
1338 occurs first, for the replacement structure;

1339 G. Maintenance, repair or replacement of a substantially damaged existing residential
1340 structure, other than a residential structure located within the agricultural production district on
1341 property that is zoned agricultural (A), is allowed in the FEMA floodway if the structure meets the
1342 standards for existing residential structures and utilities in K.C.C. 21A.24.240 and also meets the
1343 following requirements:

1344 1. The Washington state Department of Ecology has assessed the flood characteristics of
1345 the site and determined:

1346 a. base flood depths will not exceed three feet;

1347 b. base flood velocities will not exceed three feet per second;

1348 c. there is no evidence of flood-related erosion, as determined by location of the project
1349 site in relationship to mapped channel migration zones or, if the site is not mapped, evidence of
1350 overflow channels and bank erosion; and

1351 d. a flood warning system or emergency plan is in operation;

1352 2. The Washington state Department of Ecology has prepared a report of findings and
1353 recommendations to the department that determines the repair or replacement will not result in an
1354 increased risk of harm to life based on the characteristics of the site;

1355 3. The department has reviewed the Washington state Department of Ecology report and
1356 concurs that the development proposal is consistent with the findings and recommendations in the
1357 report;

1358 4. The development proposal is consistent with the findings and recommendations of the
1359 Washington state Department of Ecology report;

1360 5. The existing residential structure was legally established;

1361 6. Replacing an existing residential structure within the FEMA floodway is only allowed
1362 if:

1363 a. there is not sufficient buildable area on the site outside the FEMA floodway;

1364 b. the replacement structure is a residential structure built as a substitute for a previously
1365 existing residential structure of equivalent use and size; and

1366 c. the existing residential structure, including the foundation, is removed within ninety
1367 days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever
1368 occurs first, for the replacement structure; and

1369 H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is identified
1370 as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA floodway if the
1371 structure and utilities meet the standards of K.C.C. 21A.24.240 for residential structures or
1372 nonresidential structures, as appropriate.

1373 SECTION 16. 21A.24.275 Channel migration zones — development standards and
1374 **alterations.** The following development standards apply to development proposal and alterations
1375 on sites within channel migration zones that have been mapped and adopted by public rule:

1376 A. The development standards that apply to the aquatic area buffers in K.C.C. 21A.24.365
1377 also apply to the severe channel migration zone and the portion of the moderate channel migration
1378 zone that is within the aquatic area buffer. The more-restrictive standards apply where there is a
1379 conflict;

1380 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe
1381 channel migration hazard area;

1382 C. The following standards apply to development proposals and alterations within the
1383 moderate channel migration hazard area:

1384 1. Maintenance, repair or expansion of any use or structure is allowed if the existing
1385 structure's footprint is not expanded towards any source of channel migration hazard, unless the
1386 applicant can demonstrate that the location is the least subject to risk;

1387 2. New primary dwelling units, accessory dwelling units or accessory living quarters, and
1388 required infrastructure, are allowed if:

1389 a. the structure is located on a separate lot in existence on or before February 16, 1995;

1390 b. a feasible alternative location outside of the channel migration hazard area is not
1391 available on-site; and

1392 c. to the maximum extent practical, the structure and supporting infrastructure is located
1393 the farthest distance from any source of channel migration hazard, unless the applicant can
1394 demonstrate that an alternative location is:

1395 (1) the least subject to risk; or

1396 (2) within the outer third of the moderate channel migration hazard area as measured
1397 perpendicular to the channel;

1398 3. New accessory structures are allowed if:

1399 a. a feasible alternative location is not available on-site; and

1400 b. to the maximum extent practical, the structure is located the farthest distance from the
1401 migrating channel;

1402 4. The subdivision of property is allowed within the portion of a moderate channel
1403 migration hazard area located outside an aquatic area buffer if:

1404 a. All lots contain five-thousand square feet or more of buildable land outside of the
1405 moderate channel migration hazard area;

1406 b. Access to all lots does not cross the moderate channel migration hazard area; and

1407 c. All infrastructure is located outside the moderate channel migration hazard area
1408 except that an on-site septic system is allowed in the moderate channel migration hazard area if:

1409 (1) a feasible alternative location is not available on-site; and

1410 (2) to the maximum extent practical, the septic system is located the farthest distance
1411 from the migrating channel. (Ord. 15051 § 166, 2004; Ord. 11621 § 75, 1994).

1412 **SECTION 17. 21A.24.280 Landslide hazard areas — development standards and**

1413 **alterations.** The following development standards apply to development proposals and alterations
1414 on sites containing landslide hazard areas:

1415 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
1416 alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area with a slope
1417 of forty percent or greater;

1418 B. A buffer is required from all edges of the landslide hazard area. To eliminate or
1419 minimize the risk of property damage or injury resulting from landslides caused in whole or part by
1420 the development, the department shall determine the size of the buffer based upon a critical area
1421 report prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to
1422 the department, the minimum buffer is fifty feet. If the landslide hazard area has a vertical rise of
1423 more than two-hundred feet, the department may increase the minimum building setback in K. C.
1424 C. 21A.24.200 to one-hundred feet;

1425 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed
1426 alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited;

1427 D. All alterations shall minimize disturbance to the landslide hazard area, slope and
1428 vegetation unless necessary for slope stabilization; and

1429 E. Alterations in a landslide hazard area located on a slope less than forty percent are
1430 allowed if:

- 1431 1. The proposed alteration will not decrease slope stability on contiguous properties; and
1432 2. The risk of property damage or injury resulting from landsliding is eliminated or
1433 minimized. (Ord. 15051 § 167, 2004: Ord. 12822 § 9, 1997: Ord. 10870 § 475, 1993).

1434 SECTION 18. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are
1435 each hereby amended to read as follows:

1436 The following development standards apply to development proposals and alterations on
1437 sites containing seismic hazard areas:

1438 A. The department may approve alterations to seismic hazard areas only if:

- 1439 1. the evaluation of site-specific subsurface conditions shows that the proposed
1440 development site is not located in a seismic hazard area; or

1441 2. The applicant implements appropriate engineering design based on the best available
1442 engineering and geological practices that either eliminates or minimizes the risk of structural
1443 damage or injury resulting from seismically induced settlement or soil liquefaction; and

1444 B. The department may waive or reduce engineering study and design requirements for
1445 alterations in seismic hazard areas for:

1446 1. Mobile homes;

1447 2. Additions or alterations that do not increase occupancy or significantly affect the risk
1448 of structural damage or injury; and

1449 3. One story (~~(B)~~) buildings with less than two-thousand-five hundred square feet of
1450 floor area or roof area, whichever is greater, and that are not dwelling units or used as places of
1451 employment or public assembly.

1452 **SECTION 19. 21A.24.300 Volcanic hazard areas — development standards and**
1453 **alterations.** The following development standards apply to development proposal and alterations
1454 on sites containing volcanic hazard areas:

1455 A. Within volcanic hazard areas located along the White river upstream from Mud
1456 Mountain dam:

1457 1. Critical facilities, apartments, townhouses or commercial structures are not allowed;

1458 2. All new lots created by subdivision, short subdivision or binding site plan shall
1459 designate building areas and building setbacks outside of the volcanic hazard area; and

1460 3. The notice of critical areas required under this chapter is required for new single
1461 detached dwellings on existing lots;

1462 B. Within volcanic hazard areas located along the White river downstream from Mud
1463 Mountain dam and the Green and Duwamish rivers, the department shall evaluate development

1464 proposals for critical facilities for risk of inundation or flooding resulting from mudflows
1465 originating on Mount Rainier. The applicant shall design critical facilities to withstand, without
1466 damage, the effects of mudflows equal in magnitude to the prehistoric Electron mudflow; and

1467 C. This section does not apply until King County has completed the required modeling and
1468 mapping of volcanic hazard areas. (Ord. 15051 § 169, 2004: Ord. 10870 § 477, 1993).

1469 SECTION 20. 21A.24.310 Steep slope hazard areas — development standards and
1470 **alterations.** The following development standards apply to development proposals and alterations
1471 on sites containing steep slope hazard areas:

1472 A. Except as provided in subsection D. of this section, unless allowed as an alteration
1473 exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are
1474 allowed within a steep slope hazard area;

1475 B. A buffer is required from all edges of the steep slope hazard area. To eliminate or
1476 minimize the risk of property damage or injury resulting from slope instability, landsliding or
1477 erosion caused in whole or part by the development, the department shall determine the size of the
1478 buffer based upon a critical area report prepared by a geotechnical engineer or geologist. If a
1479 critical area report is not submitted to the department, the minimum buffer is fifty feet. For
1480 building permits for single detached dwelling units only, the department may waive the special
1481 study requirement and authorize buffer reductions if the department determines that the reduction
1482 will adequately protect the proposed development and the critical area; and

1483 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed
1484 alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited;

1485 D. All alterations are allowed in the following circumstance:

1486 1. Slopes which are forty percent or steeper with a vertical elevation change of up to
1487 twenty feet if no adverse impact will result from the exemption based on King County's review of
1488 and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

1489 2. The approved regrading of any slope which was created through previous legal grading
1490 activities. Any slope which remains forty percent or steeper following site development shall be
1491 subject to all requirements for steep slopes. (Ord. 15051 § 170, 2004: Ord. 13190 § 21, 1998:
1492 Ord. 11621 § 77, 1994: Ord. 11273 § 5, 1994: Ord. 10870 § 478, 1993).

1493 SECTION 21. Ordinance 15051, Section 179 and K.C.C. 21A.24.316 are each hereby
1494 amended to read as follows:

1495 The following development standards apply to development proposals and alterations on
1496 sites containing critical aquifer recharge areas:

1497 A. Except as otherwise provided in subsection H. of this section, the following new
1498 development proposals and alterations are not allowed on a site located in a category I critical
1499 aquifer recharge area:

1500 1. Transmission pipelines carrying petroleum or petroleum products;

1501 2. Sand and gravel, and hard rock mining unless:

1502 a. the site has mineral zoning as of January 1, 2005; or

1503 b. mining is a permitted use on the site and the critical aquifer recharge area was
1504 mapped after the date a complete application for mineral extraction on the site was filed with the
1505 department;

1506 3. Mining of any type below the upper surface of the saturated ground water that could
1507 be used for potable water supply;

1508 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

- 1509 5. Hydrocarbon extraction;
- 1510 6. Commercial wood treatment facilities on permeable surfaces;
- 1511 7. Underground storage tanks, including tanks that are exempt from the requirements of
1512 chapter 173 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not
1513 comply with standards of chapter 173-360 WAC and K.C.C. Title 17;
- 1514 8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105
1515 RCW, unless protected with primary and secondary containment areas and a spill protection
1516 plan;
- 1517 9. Golf courses;
- 1518 10. Cemeteries;
- 1519 11. Wrecking yards;
- 1520 12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in
1521 K.C.C. chapter 10.04; and
- 1522 13. On lots smaller than one acre, an on-site septic system, unless:
- 1523 a. the system is approved by the Washington state Department of Health and ~~((the~~
1524 ~~system either uses an up flow media filter system or a proprietary packed bed filter system or is~~
1525 ~~designed to achieve approximately eighty percent total nitrogen removal for typical domestic~~
1526 ~~wastewater)) has been listed by the Washington state Department of Health as meeting treatment~~
1527 ~~standard N as provided in WAC chapter 426-172A;~~ or
- 1528 b. the Seattle-King County department of public health determines that the systems
1529 required under subsection A.13.a. of this section will not function on the site.

- 1530 B. Except as otherwise provided in subsection H. of this section, the following new
1531 development proposals and alterations are not allowed on a site located in a category II critical
1532 aquifer recharge area:
- 1533 1. Mining of any type below the upper surface of the saturated ground water that could
1534 be used for potable water supply;
 - 1535 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
 - 1536 3. Hydrocarbon extraction;
 - 1537 4. Commercial wood treatment facilities located on permeable surfaces;
 - 1538 5.a. Except for a category II critical aquifer recharge area located over an aquifer
1539 underlying an island that is surrounded by saltwater, underground storage tanks with hazardous
1540 substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-
1541 360 WAC and K.C.C. Title 17; and
 - 1542 b. For a category II critical aquifer recharge area located over an aquifer underlying an
1543 island that is surrounded by saltwater, underground storage tanks, including underground storage
1544 tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as
1545 defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC
1546 and K.C.C. Title 17;
 - 1547 6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105
1548 RCW, unless protected with primary and secondary containment areas and a spill protection
1549 plan;
 - 1550 7. Wrecking yards;
 - 1551 8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in
1552 K.C.C. chapter 10.04; and

- 1553 9. On lots smaller than one acre, an on-site septic systems, unless:
- 1554 a. the system is approved by the Washington state Department of Health and ((the
- 1555 ~~system either uses an up flow media filter system or a proprietary packed bed filter system or is~~
- 1556 ~~designed to achieve approximately eighty percent total nitrogen removal for typical domestic~~
- 1557 ~~wastewater)) has been listed by the Washington state Department of Health as meeting treatment~~
- 1558 standard N as provided in WAC chapter 426-172A; or
- 1559 b. the Seattle-King County department of public health determines that the systems
- 1560 required under subsection B.9.a. of this section will not function on the site.
- 1561 C. Except as otherwise provided in subsection H. of this section, the following new
- 1562 development proposals and alterations are not allowed on a site located in a category III critical
- 1563 aquifer recharge area:
- 1564 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 1565 2. Hydrocarbon extraction;
- 1566 3. Commercial wood treatment facilities located on permeable surfaces;
- 1567 4. Underground storage tanks, including tanks exempt from the requirements of chapter
- 1568 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not
- 1569 comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 1570 5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105
- 1571 RCW, unless protected with primary and secondary containment areas and a spill protection
- 1572 plan;
- 1573 6. Wrecking yards; and
- 1574 7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in
- 1575 K.C.C. chapter 10.04.

1576 D. The following standards apply to development proposals and alterations that are
1577 substantial improvements on a site located in a critical aquifer recharge area:

1578 1. The owner of an underground storage tank, including a tank that is exempt from the
1579 requirements of chapter 173 WAC, in a category I or III critical aquifer recharge area or a
1580 category II critical aquifer recharge area located over an aquifer underlying an island that is
1581 surrounded by saltwater shall either bring the tank into compliance with the standards of chapter
1582 173 WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

1583 2. The owner of an underground storage tank in a category II critical aquifer recharge
1584 area not located on located over an aquifer underlying an island that is surrounded by saltwater
1585 shall bring the tank into compliance with the standards of chapter 173-360 WAC and K.C.C.
1586 Title 17 or shall properly decommission or remove the tank.

1587 E. In any critical aquifer recharge area, the property owner shall properly decommission
1588 an abandoned well.

1589 F. On a site located in a critical aquifer recharge area within the urban growth area, a
1590 development proposal for new residential development, including, but not limited to, a
1591 subdivision, short subdivision, or dwelling unit, shall incorporate best management practices
1592 included in the King County Surface Water Design Manual into the site design in order to
1593 infiltrate stormwater runoff to the maximum extent practical.

1594 G. On an island surround by saltwater, the owner of a new well located within two
1595 hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer
1596 recharge area shall test the well for chloride levels using testing protocols approved by the
1597 Washington state Department of Health. The owner shall report the results of the test to Seattle-
1598 King County department of public health and to the department of natural resources and parks.

1599 If the test results indicate saltwater intrusion is likely to occur, the department of natural
 1600 resources and parks, in consultation with Seattle-King County department of public health, shall
 1601 recommend appropriate measures to prevent saltwater intrusion.

1602 H. On a site greater than twenty acres, the department may approve a development
 1603 proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant
 1604 demonstrates through a critical areas report that the development proposal is located outside the
 1605 critical aquifer recharge area and that the development proposal will not cause a significant
 1606 adverse environmental impact to the critical aquifer recharge area.

1607 I. The provisions relating to underground storage tanks in subsections A. through D. of
 1608 this section apply only when the proposed regulation of underground storage tanks has been
 1609 submitted to and approved by the Washington state department of ecology, in accordance with
 1610 90.76.040 RCW and WAC 173-360-530.

1611 SECTION 22. Ordinance 15051, Section 185 and K.C.C. 21A.24.325 are each hereby
 1612 amended to read as follows:

1613 Except as otherwise provided in this section, buffers shall be provided from the wetland
 1614 edge as follows:

1615 A. In the Urban Growth Area, buffers for wetlands shall be established in accordance
 1616 with the following standards:

1617 1. The standard buffer widths of the following table shall apply unless modified in
 1618 accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Natural Heritage Wetlands	215 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from ((29)) <u>31</u> to 36 points	225 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus 7.5 feet</u> <u>for each habitat</u> <u>score point above 20</u> <u>points</u>
Category I wetlands not meeting any of the criteria ((below)) <u>above</u>	125 feet
Category II	
Estuarine	135 feet
Habitat score from ((29)) <u>31</u> to 36 points	200 feet
Habitat score from 20 to ((28)) <u>30</u> points	125 feet <u>plus 7.5 feet</u> <u>for each habitat</u> <u>score point above 20</u> <u>points</u>
Category II wetlands not meeting any of the criteria ((below)) <u>above</u>	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria ((below)) <u>above</u>	75 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category IV	50 feet

1619 2. If a Category I or II wetland with habitat score greater than twenty points is located
1620 within three hundred feet of a priority habitat area as defined by the Washington state
1621 Department of Fish and Wildlife, the buffer established by subsection A.1. of this section shall
1622 be increased by fifty feet unless:

1623 a.(i) the applicant provides relatively undisturbed vegetated corridor at least one
1624 hundred feet wide between the wetland and all priority habitat areas located within three hundred
1625 feet of the wetland. The corridor shall be protected for the entire distance between the wetland
1626 and the priority habitat through a conservation easement, native growth protection easement or
1627 the equivalent; and

1628 ((b-)) (ii) the applicable mitigation measures in subsection A.3.b. of this section are
1629 provided; or

1630 b. the wetland is a freshwater or deep freshwater wetland; and

1631 3. Buffers calculated in accordance with subsection A.1. and A.2. of this ((~~section~~))
1632 section shall be reduced as follows:

1633 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if the
1634 applicant implements all applicable mitigation measures identified in subsection A.3.b. of this
1635 section, or if the applicant proposes alternate mitigation to reduce the impacts of the
1636 development and the department determines the alternative provides equivalent mitigation.

1637 b. The following mitigation measures may be used by an applicant to obtain a reduced
1638 buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces <u>using low impact development measures identified in the King County Surface Water Design Manual</u>	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas

Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

1639 B. For a wetland located outside the Urban Growth Area:

1640 1. The buffers shown on the following table apply unless modified in accordance with
 1641 subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>
Category II			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>
Category III			

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
Category IV	50 feet	40 feet	25 feet

1642 2. For purposes of this subsection B., unless the director determines a lesser level of
 1643 impact is appropriate based on information provided by the applicant, the intensity of impact of
 1644 the adjacent land use is determined as follows:

1645 a. high impact includes:

- 1646 (1) sites zoned commercial or industrial;
- 1647 (2) commercial or industrial use on a site regardless of the zoning designation;
- 1648 (3) nonresidential use on a site zoned for residential use;
- 1649 (4) active recreation use on a site regardless of zoning;

1650 b. moderate impact includes:

- 1651 (1) residential uses on sites zoned rural residential without an approved rural
 1652 stewardship plan;
- 1653 (2) residential use on a site zoned agriculture or forestry; or

- 1654 (3) agricultural uses without an approved farm management plan; and

1655 c. low impact includes:

- 1656 (1) forestry use on a site regardless of zoning designation;
- 1657 (2) ~~((residential uses on sites zoned rural residential with an approved rural~~
1658 ~~stewardship plan;~~
- 1659 ~~(3))~~ passive recreation uses, such as trails, nature viewing areas, fishing and
1660 camping areas, and other similar uses that do not require permanent structures, on a site
1661 regardless of zoning; or
- 1662 ~~((4))~~ (3) agricultural uses carried out in accordance with an approved farm
1663 management plan.
- 1664 C. The department may approve a modification of the minimum buffer width required by
1665 this section by averaging the buffer width if:
- 1666 1. The department determines that:
- 1667 a. the ecological structure and function of the buffer after averaging is equivalent to or
1668 greater than the structure and function before averaging; or
- 1669 b. averaging includes the corridors of a wetland complex; and
- 1670 2. The resulting buffer meets the following standards:
- 1671 a. the total area of the buffer after averaging is equivalent to or greater than the area of
1672 the buffer before averaging;
- 1673 b. the additional buffer is contiguous with the standard buffer; and
- 1674 c. if the buffer width averaging allows a structure or landscaped area to intrude into
1675 the area that was buffer area before averaging, the resulting landscaped area shall extend no more
1676 than fifteen feet from the edge of the structure's footprint toward the reduced buffer.
- 1677 D. Wetland buffer widths shall also be subject to modifications under the following
1678 special circumstances:

1679 1. For wetlands containing documented habitat for endangered, threatened or species of
1680 local importance, the following shall apply:

1681 a. the department shall establish the appropriate buffer, based on a habitat assessment,
1682 to ensure that the buffer provides adequate protection for the sensitive species; and

1683 b. the department may apply the buffer increase rules in subsection A.2. of this section,
1684 the buffer reduction rules in subsection A.3. of this section, and the buffer averaging rules in
1685 subsection C. of this section;

1686 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area,
1687 the buffer width is the greater of (~~either~~) the buffer width required by the wetland's category in
1688 this section or twenty-five feet beyond the top of the hazard area; and

1689 3. For a wetland complex located outside the Urban Growth Area established by the
1690 King County Comprehensive Plan or located within the Urban Growth Area in a basin
1691 designated as "high" on the Basin and Shoreline Conditions Map, which is included as
1692 Attachment A to this ordinance, the buffer width is determined as follows:

1693 a. the buffer width for each individual wetland in the complex is the same width as the
1694 buffer width required for the category of wetland;

1695 b. if the buffer of a wetland within the complex does not touch or overlap with at least
1696 one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to
1697 one other wetland buffer in the complex considering the following factors:

1698 (1) the corridor is designed to support maintaining viable wildlife species that are
1699 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
1700 critical life cycle stage, such as breeding, rearing, or feeding;

1701 (2) the corridor minimizes fragmentation of the wetlands;

1702 (3) higher category wetlands are connected through corridors before lower category
1703 wetlands; and

1704 (4) the corridor width is a least twenty-five percent of the length of the corridor, but
1705 no less than twenty-five feet in width; and

1706 (5) shorter corridors are preferred over longer corridors;

1707 c. wetlands in a complex that are connected by an aquatic area that flows between the
1708 wetlands are not required to be connected through a corridor;

1709 d. the department may exclude a wetland from the wetland complex if the applicant
1710 demonstrates that the wetland is unlikely to provide habitat for wildlife species that are
1711 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
1712 critical life cycle stage, such as breeding, rearing or feeding; and

1713 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in
1714 corridors subject to the same conditions and requirements as wetland buffers as long as the
1715 alteration is designed so as not to disrupt wildlife movement through the corridor; and

1716 4. Where a legally established roadway transects a wetland buffer, the department may
1717 approve a modification of the minimum required buffer width to the edge of the roadway if the
1718 part of the buffer on the other side of the roadway sought to be reduced:

1719 a. does not provide additional protection of the proposed development or the wetland;
1720 and

1721 b. provides insignificant biological, geological or hydrological buffer functions relating
1722 to the other portion of the buffer adjacent to the wetland."

1723 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
1724 buffer widths shall be established under the rural stewardship plan and shall not exceed the

1725 standard for a low impact land use, unless the department of natural resources and parks
1726 determines that a larger buffer is necessary to achieve no net loss of wetland ecological function.

1727 E. (~~Wetlands created through voluntary enhancement or restoration projects are not~~
1728 ~~subject~~) The department may approve a modification to the buffers established in subsections A.
1729 and B. of this section if the wetland was created or its characterization was upgraded as part of a
1730 voluntary enhancement or restoration project.

1731 SECTION 23. Ordinance 15051, Section 187 and K.C.C. 21A.24.335 are each hereby
1732 amended to read as follows:

1733 The following development standards apply to development proposals and alterations on
1734 sites containing wetlands or their buffers:

1735 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
1736 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

1737 B. The applicant shall not introduce any plant or wildlife that is not indigenous to the
1738 Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal
1739 permit or approval;

1740 C. A category IV wetland less than two-thousand-five-hundred square feet that is not
1741 part of a wetland complex may be altered in accordance with an approved mitigation plan by
1742 relocating (~~its functions~~) the wetland into a new wetland (~~on the site~~) with equivalent or
1743 greater functions or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based
1744 on the type of mitigation measures proposed (~~in accordance with an approved mitigation plan~~);

1745 and

1746 D. Alterations to category I wetlands containing bogs or fens are limited to K.C.C.
1747 21A.24.045 D.20. and D.52.

1748 SECTION 24. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are
 1749 each hereby amended to read as follows:

1750 In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the following
 1751 applies to (~~mitigation~~) mitigation to compensate for the adverse impacts associated with an
 1752 alteration to a wetland or wetland buffer:

1753 A. Mitigation measures must achieve equivalent or greater wetland functions, including,
 1754 but not limited to:

- 1755 1. Habitat complexity, connectivity and other biological functions; and
- 1756 2. Seasonal hydrological dynamics, as provided in the King County Surface Water
 1757 Design Manual;

1758 B. The following ratios of area of mitigation to area of alteration apply to mitigation
 1759 measures for permanent alterations:

- 1760 1. For alterations to a wetland buffer, a ratio of one to one; and
- 1761 2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

1762 C. The following ratios of area of mitigation to area of alteration apply to mitigation
 1763 measures for temporary alterations where wetlands will not be impacted by permanent fill
 1764 material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrubs wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category	6:1	4.5:1	3:1	3:1	2:1	1.5:1

I						
Category	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
II						
Category	2:1	1.5:1	1:1	1:1	.75:1	.5:1
III						
Category	1.5:1	1:1	.75:1	Not applicable	Not applicable	Not applicable
IV						

1765 D. The department may increase the mitigation ratios provided in subsections B. and C.

1766 of this section under the following circumstances:

1767 1. The department determines there is uncertainty as to the probable success of the
 1768 proposed restoration or creation;

1769 2. A significant period of time will elapse between the impact caused by the
 1770 development proposal and the establishment of wetland functions at the mitigation site;

1771 3. The proposed mitigation will result in a lower category wetland or reduced functions
 1772 relative to the wetland being impacted; or

1773 4. The alteration causing the impact was an unauthorized impact.

1774 E. The department may decrease the mitigation ratios provided in subsections B. and C.

1775 of this section under the following circumstances:

1776 1. The applicant demonstrates by documentation submitted by a qualified wetland
 1777 specialist that the proposed mitigation actions have a very high likelihood of success based on
 1778 hydrologic data and prior experience;

1779 2. The applicant demonstrates by documentation by a qualified wetland specialist that
 1780 the proposed actions for compensation will provide functions and values that are significantly
 1781 greater than the wetland being impacted;

1782 3. The applicant demonstrates that the proposed actions for mitigation have been
1783 conducted in advance of the impact caused by the development proposal and that the actions are
1784 successful; or

1785 4. In wetlands where several wetland hydrogeomorphic classes, including, but not
1786 limited to depressional, slope, riverine and flow through, are found within one delineated
1787 boundary, the department may decrease the ratios if:

1788 a. impacts to the wetland are all within an area that has a different hydrogeomorphic
1789 class from the one used to establish the category;

1790 b. the category of the area with a different class is lower than that of the entire
1791 wetland; and

1792 c. the applicant provides adequate hydrologic and geomorphic data to establish that
1793 the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.

1794 F. For temporary alterations to a wetland or its buffer that are predominately woody
1795 vegetation, the department may require mitigation in addition to restoration of the altered
1796 wetland or buffer; and

1797 G. Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic area
1798 lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not
1799 limited to, on-site revegetation, maintenance and other restoration of the buffer or setback area to
1800 the maximum extent practical(~~and~~

1801 ~~H. The department may consider two or more contiguous sites under common ownership~~
1802 ~~and located in the same drainage subbasin, as one site for the purpose of mitigation ratios)).~~

1803 SECTION 25. Ordinance 15051, Section 193 and K.C.C. 21A.24.358 are each hereby
1804 amended to read as follows:

- 1805 A. Aquatic area buffers shall be measured as follows:
- 1806 1. From the ordinary high water mark or from the top of bank if the ordinary high water
- 1807 mark cannot be identified;
- 1808 2. If the aquatic area is located within a mapped severe channel migration area, the
- 1809 aquatic area buffer width shall be the greater of the aquatic area buffer width as measured
- 1810 consistent with subsection A.1. of this section or the outer edge of the severe channel migration
- 1811 area; or
- 1812 3. If the aquatic area buffer includes a steep slope hazard area or landslide hazard area,
- 1813 the aquatic area buffer width is the greater of either the aquatic area buffer in this section or
- 1814 twenty-five feet beyond the top of the hazard area.
- 1815 B. Within the Urban Growth Area, aquatic area buffers shall be as follows:
- 1816 1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;
- 1817 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the
- 1818 Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;
- 1819 3. A type N aquatic area buffer is sixty-five-feet; and
- 1820 4. A type O aquatic area buffer is twenty-five-feet.
- 1821 C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:
- 1822 1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;
- 1823 2. A type N aquatic area buffer is sixty-five-feet; and
- 1824 3. A type O aquatic area buffer is twenty-five-feet.
- 1825 D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated
- 1826 regionally significant resource area is one-hundred-feet.
- 1827 E. The department may approve a modification of buffer widths if:

1828 1. The department determines that through buffer averaging the ecological structure and
1829 function of the resulting buffer is equivalent to or greater than the structure and function before
1830 averaging and meets the following standards:

1831 a. The total area of the buffer is not reduced;

1832 b. The buffer area is contiguous; and

1833 c. Averaging does not result in the reduction of the minimum buffer for the buffer area
1834 waterward of the top of the associated steep slopes or for a severe channel migration hazard area;

1835 2. The applicant demonstrates that the buffer cannot provide certain functions because
1836 of soils, geology or topography, provided that the department shall establish buffers which
1837 protect the remaining ecological functions that the buffer can provide;

1838 3. The site is zoned RA and is subject to an approved rural stewardship plan. In
1839 modifying the buffers, the department shall consider factors such as, the basin and shoreline
1840 condition, the location of the site within the basin and shoreline, the buffer condition and the
1841 amount of clearing;

1842 4. A legally established roadway transects an aquatic area buffer, the roadway edge
1843 closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side
1844 of the roadway provides insignificant biological or hydrological function in relation to the
1845 portion of the buffer adjacent to the aquatic area; and

1846 5. The aquatic area is created or its type is changed as a result of enhancement or
1847 restoration projects that are not mitigation for a development proposal or alteration.

1848 SECTION 26. Ordinance 15051, Section 195 and K.C.C. 21A.24.365 are each hereby
1849 amended to read as follows:

1850 The following development standards apply to development proposals and alterations on
1851 sites containing aquatic areas or their buffers:

1852 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
1853 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area buffers;

1854 B. Grading for allowed alterations in aquatic area buffers is only allowed from May 1 to
1855 October 1. This period may be modified when the department determines it is necessary along
1856 marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C.
1857 16.82.095;

1858 C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered
1859 by impervious surfaces should be maintained by:

1860 1. Minimizing soil compaction, or

1861 2. Reestablishing natural soil structure and the capacity to infiltrate;

1862 D. New structures within an aquatic area buffer should be sited to avoid the creation of
1863 future hazard trees and to minimize the impact on groundwater movement; (~~and~~)

1864 E. To the maximum extent practical:

1865 1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed
1866 to other areas of the project site where feasible;

1867 2. A spatial connection should be provided between vegetation within and outside the
1868 aquatic area buffer to prevent creation of wind throw hazards; and

1869 3. Hazard trees should be retained in aquatic area buffers and either topped or pushed
1870 over toward the aquatic area; and

1871 G. If a restoration, enhancement or mitigation project proposes to place large woody
1872 debris waterward of the ordinary high water mark of a Type S aquatic area, the applicant shall
1873 consider the potential for recreational hazards in project design.

1874 SECTION 27. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are
1875 each hereby amended to read as follows:

1876 In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the
1877 following applies to mitigation to compensate for the adverse impacts associated with an
1878 alteration to an aquatic area or aquatic area buffer:

1879 A. Mitigation measures must achieve equivalent or greater aquatic area functions
1880 including, but not limited to:

- 1881 1. Habitat complexity, connectivity and other biological functions;
1882 2. Seasonal hydrological dynamics, water storage capacity and water quality; and
1883 3. Geomorphic and habitat processes and functions;

1884 B. To the maximum extent practical, permanent alterations that require restoration or
1885 enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic
1886 area buffer must consider the following design factors, as applicable to the function being
1887 mitigated:

- 1888 1. The natural channel or shoreline reach dimensions including its depth, width, length
1889 and gradient;
1890 2. The horizontal alignment and sinuosity;
1891 3. The channel bed, sea bed or lake bottom with identical or similar substrate and
1892 similar erosion and sediment transport dynamics;
1893 4. Bank and buffer configuration and erosion and sedimentation rates; and

1894 5. Similar vegetation species diversity, size and densities in the channel, sea bed or lake
1895 bottom and on the riparian bank or buffer;

1896 C. Mitigation to compensate for adverse impacts shall meet the following standards:

1897 1. Not upstream of a barrier to fish passage;

1898 2. Is equal or greater in biological function; and

1899 3. To the maximum extent practical is located on the site of the alteration or within one-
1900 half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of mitigation to area
1901 of alteration; or

1902 4. Is located in the same aquatic area drainage subbasin or marine shoreline and attains
1903 the following ratios of area of functional mitigation to area of alteration:

1904 a. a 3:1 ratio for a type S or F aquatic area; and

1905 b. a 2:1 ratio for a type N or O aquatic area;

1906 D. For purposes of subsection C. of this section, a mitigation measure is in the same
1907 aquatic area reach if the length of aquatic area shoreline meets the following criteria:

1908 1. Similar geomorphic conditions including slope, soil, aspect and substrate;

1909 2. Similar processes including erosion and transport of sediment and woody debris;

1910 3. Equivalent or better biological conditions including invertebrates, fish, wildlife and
1911 vegetation; and

1912 4. Equivalent or better biological functions including mating, reproduction, rearing,
1913 migration and refuge; or

1914 5. For tributary streams, a distance of no more than one-half mile;

1915 E. The department may reduce the mitigation ratios in subsection C. of this section to 2:1
1916 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant

1917 provides a scientifically rigorous mitigation monitoring program that includes the following
1918 elements:

1919 1. Monitoring methods that ensure that the mitigation meets the approved performance
1920 standards identified by the department;

1921 2. Financing or funding guarantees for the duration of the monitoring program; and

1922 3. Experienced, qualified staff to perform the monitoring;

1923 F. For rectifying an illegal alteration to any type of aquatic area or its buffer, mitigation
1924 measures must meet the following standards:

1925 1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation to area
1926 of alteration; and

1927 2. To the maximum extent practical, replicates the natural prealteration configuration at
1928 its natural prealteration location including the factors in subsection B. of this section; and

1929 G. The department may modify the requirements in this section if the applicant
1930 demonstrates that, with respect to each aquatic area function, greater functions can be obtained in
1931 the affected hydrologic unit that the department may determine to be the drainage subbasin
1932 through alternative mitigation measures.

1933 H. For temporary alterations to an aquatic area or its buffer that is predominately woody
1934 vegetation, the department may require mitigation in addition to restoration of the altered aquatic
1935 area or buffer.

1936 **SECTION 28. 21A.24.382 Wildlife habitat conservation areas — development**
1937 **standards.**

1938 The following development standards apply to development proposals and alterations on
1939 sites containing wildlife habitat conservation areas:

1940 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
1941 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

1942 B. For a bald eagle:

1943 1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from
1944 an active nest;

1945 2. Between March 15 and April 30, alterations are not allowed within eight hundred feet
1946 of the nest; and

1947 2. Between January 1 and August 31, land clearing machinery, such as bulldozers,
1948 graders or other heavy equipment, may not be operated within eight hundred feet of the nest;

1949 C. For a great blue heron:

1950 1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot
1951 radius from the rookery. The department may increase the radius up to an additional one-hundred
1952 sixty-four feet if the department determines that the population of the rookery is declining; and

1953 2. Between January 1 and July 31, clearing or grading are not allowed within nine-
1954 hundred-twenty-four feet of the rookery;

1955 D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-
1956 mile radius around an active nest;

1957 E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-
1958 thousand-five-hundred-foot radius around an active nest located outside of the urban growth area;

1959 F. For an osprey:

1960 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius
1961 around an active nest; and

1962 2. Between April 1 and September 30, alterations are not allowed within six-hundred-
1963 sixty feet of the nest;

1964 G. For a peregrine falcon:

1965 1. The wildlife habitat conservation area is an area extending for a distance of one-
1966 thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the
1967 cliff, and the area immediately below the cliff;

1968 2. Between March 1 and June 30, land-clearing activities that result in loud noises, such
1969 as from blasting, chainsaws or heavy machinery, are not allowed within one-half mile of the eyrie;
1970 and

1971 3. New power lines may not be constructed within one-thousand feet of the eyrie;

1972 H. For a spotted owl, the wildlife habitat conservation area is an area with a three-
1973 thousand-seven-hundred-foot radius from an active nest;

1974 I. For a Townsend's big-eared bat:

1975 1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a
1976 four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban
1977 area, with an active nursery colony

1978 2. Between November 1 and March 31, the wildlife habitat conservation area is an area
1979 with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the
1980 urban growth area serving as a winter hibernacula;

1981 3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used
1982 solely for day or night roosting may not be altered or destroyed;

1983 4. Between May 1 and September 15, the entrance into a cave or mine that is protected
1984 because of bat presence is protected from human entry; and

1985 5. A gate across the entrance to a cave or mine that is protected because of bat presence
1986 must be designed to allow bats to enter and exit the cave or mine;

1987 J. For a Vaux's swift:

1988 1. The wildlife habitat conservation area is an area with a three-hundred-foot radius
1989 around an active nest located outside of the urban growth areas;

1990 2. Between April 1 and October 31, clearing, grading, or outdoor construction is not
1991 allowed within four hundred feet of an active or potential nest tree. The applicant may use a
1992 species survey to demonstrate that the potential nest tree does not contain an active nest;

1993 K. For a red-tailed hawk:

1994 1. The wildlife habitat conservation area is an area with a radius of three-hundred twenty-
1995 five feet from an active nest located outside of the urban growth area; and

1996 2. Between March 1 and July 31, clearing and grading is not allowed within six hundred
1997 sixty feet of an active nest located outside of the urban growth area;

1998 L. The department shall require protection of an active breeding site of any species not
1999 listed in subsections B. through K. of this section whose habitat is identified as requiring protection
2000 in the King County Comprehensive Plan. If the Washington state Department of Fish and Wildlife
2001 has adopted management recommendations for a species covered by this subsection, the
2002 department shall follow those management recommendations. If management recommendations
2003 have not been adopted, the department shall base protection decisions on best available science;
2004 and

2005 M. In the area designated rural in the King County Comprehensive Plan, the department
2006 shall require an applicant to protect the active breeding site of any species whose habitat the king
2007 County Comprehensive Plan directs that the county should protect. The applicant shall protect the

2008 breeding site from destruction or other direct disturbance while it is occupied. If the Washington
2009 state Department of Fish and Wildlife has adopted management recommendations for a species
2010 covered by this subsection, the department shall follow those management recommendations. If
2011 management recommendations have not been adopted, the department shall base protection
2012 decisions on best available science. (Ord. 15051 § 198, 2004).

2013 **SECTION 29. 21A.24.386 Wildlife habitat networks — development standards and**
2014 **alterations.** The following standards apply to development proposals and alterations on sites
2015 containing wildlife habitat network:

2016 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
2017 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

2018 B. The wildlife habitat network is sited to meet the following conditions:

2019 1. The network forms one contiguous tract or setback area that enters and exits the
2020 property where the network crosses the property boundary;

2021 2. To the maximum extent practical, the network maintains a width of three-hundred feet.

2022 The network width shall not be less than one-hundred-fifty feet at any point; and

2023 3. The network is contiguous with and includes critical areas and their buffers;

2024 4. To the maximum extent practical, the network connects isolated critical areas or
2025 habitat; and

2026 5. To the maximum extent practical, the network connects with wildlife habitat network
2027 segments, open space tracts or wooded areas on adjacent properties, if present;

2028 C. The wildlife habitat network tract must be permanently marked in accordance with this
2029 chapter;

2030 D. An applicant proposing recreation, forestry or any other use compatible with preserving
2031 and enhancing the habitat value of the wildlife habitat network located within the site must have an
2032 approved management plan. The applicant shall include and record the approved management
2033 plan for a binding site plan or subdivision with the covenants, conditions and restrictions (CCRs),
2034 if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by
2035 an approved management plan;

2036 E. If the wildlife habitat network is contained in a setback area, a management plan is not
2037 required. Clearing is not allowed within a wildlife habitat network within a setback area on
2038 individual lots, unless the property owner has an approved management plan;

2039 F. In urban planned developments, fully contained communities, binding site plans,
2040 subdivisions and short subdivisions a homeowners association or other entity capable of long term
2041 maintenance and operation shall monitor and assure compliance with any approved management
2042 plan;

2043 G. Segments of the wildlife habitat network set aside in tracts, conservation easements or
2044 setback area must comply with K.C.C. 16.82.150;

2045 H. The department may credit a permanent open space tract containing the wildlife habitat
2046 network toward the other applicable requirements such as surface water management and the
2047 recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are
2048 compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses
2049 within the wildlife habitat network tract shall be clearly identified in the management plan;

2050 I. The director may waive or reduce these standards for public facilities such as schools,
2051 fire stations, parks and road projects. (Ord. 15051 § 203, 2004: Ord. 11621 § 53, 1994. Formerly
2052 K.C.C. 21A.14.386).

2053 SECTION 30. 21A.24.388 Wildlife habitat conservation areas and wildlife networks
2054 — **specific mitigation requirements.**

2055 In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the
2056 following applies to mitigation to compensate for the adverse impacts associated with wildlife
2057 habitat conservation areas and wildlife habitat networks:

2058 A. Mitigation to compensate for the adverse impacts to a wildlife habitat conservation area
2059 must prevent disturbance of each protected species. On-site mitigation may include management
2060 practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance
2061 the wildlife habitat conservation area;

2062 B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must
2063 achieve equivalent or greater biologic functions including, but not limited to, habitat complexity
2064 and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat
2065 network shall:

2066 1. Expand or enhance the wildlife network as close to the location of impact as feasible;

2067 and

2068 2. Attain the following ratios of area of mitigation to area of alteration:

2069 a. for mitigation on site:

2070 (1) 1:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

2071 (2) 1.5:1 ratio for enhancement or restoration; and

2072 b. for mitigation off-site:

2073 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

2074 (2) 3:1 ratio for enhancement or restoration;

2075 C. For temporary alterations, the department may require rectification, restoration or
2076 enhancement of the altered wildlife habitat network;

2077 D. The department may increase the width of the wildlife habitat network to mitigate for
2078 risks to habitat functions;

2079 E. To the maximum extent practical, mitigation projects involving wildlife habitat network
2080 restoration should provide replication of the site's prealteration natural environment including:

2081 1. Soil type, conditions and physical features;

2082 2. Vegetation diversity and density; and

2083 3. Biologic and habitat functions; and

2084 F. The department may modify the requirements in this section if the applicant
2085 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat
2086 conservation area or wildlife habitat network through alternative mitigation measures. (Ord. 15051
2087 § 204, 2004).