

King County Shoreline Regulations

Findings	- 7 -
K.C.C. 20.12.010 – King County Comprehensive Plan Adopted.....	- 8 -
K.C.C. 20.12.200 – Shoreline Master Program Adopted	- 17 -
New Section – Incorporation by Reference	- 17 -
K.C.C. 20.18.030 – Comprehensive Plan Amendments.....	- 21 -
K.C.C. 20.18.040 – Site specific land use and shoreline master program map amendments	- 24 -
K.C.C. 20.18.050 – Site specific land use and shoreline master program map amendments	- 25 -
K.C.C. 25.32.130 – Shoreline Environment Redesignation	- 29 -
K.C.C. 25.32.140 – Shoreline Redesignation Process	- 30 -
K.C.C. 25.32.150 – Shoreline Redesignation Council Process	- 31 -
K.C.C. 25.32.180 – Shoreline Redesignation Hearing Examiner Process.....	- 32 -
Recodification of K.C.C. Title 25	- 33 -
New Section – Shoreline Master Program Elements	- 34 -
K.C.C. 25.08.010 – Definitions Adopted.....	- 34 -
K.C.C. 25.04.040 – Liberal Construction	- 35 -
K.C.C. 25.08.160 – Development.....	- 35 -
New Section – Shoreline Mixed Use	- 35 -
K.C.C. 25.04.050 – Application of Goals and Policies to Permits	- 36 -
K.C.C. 25.12.030 – Shoreline Jurisdiction	- 37 -
K.C.C. 25.12.020 – Shoreline Designations	- 39 -
K.C.C. 25.12.050 – Shoreline Boundaries.....	- 40 -
New Section – Shoreline Use and Shoreline Modificaiton.....	- 41 -
New Section – Shoreline Use Table Described	- 41 -
New Section – Shoreline Use Table	- 43 -
New Section - Aquaculture.....	- 54 -
New Section – Boat Launching and Marinas	- 59 -
K.C.C. 25.20.060 – Forest Practices.....	- 60 -
New Section – Public Access	- 64 -
K.C.C. 25.16.200 – Recreation.....	- 65 -
New Section – Shoreline Modification Table Described	- 67 -
New Section – Shoreline Modification Table.....	- 68 -
K.C.C. 25.16.180 – Shoreline Stabilization.....	- 72 -
K.C.C. 25.16.120 – Docks and Piers	- 77 -
K.C.C. 25.16.190 – Excavation, dredging, and filling.....	- 85 -
New Section – Expansion of Dwellings	- 89 -
New Section – Shoreline Dimensions Table Described	- 90 -
New Section – Shoreline Dimentsions Table	- 90 -
K.C.C. 25.16.150 – Standards for Existing Lots and Subdivisions	- 92 -
New Section – Historic Properties and Cultural Resources.....	- 94 -
New Section – Parking Facilities.....	- 97 -
K.C.C. 25.16.160 – Utility Facilities	- 97 -
K.C.C. 25.16.080 - Signs	- 99 -
New Section – Transportation Facilities.....	- 100 -
New Section – Permit or Exemption Required.....	- 101 -
K.C.C. 25.32.020 – Relationship to other permits.....	- 104 -
K.C.C. 25.32.060 – Expansion or Replacement	- 104 -
K.C.C. 25.32.100 – Appeals	- 105 -
K.C.C. 25.08.090 – Breakwater.....	- 106 -
K.C.C. 25.08.100 – Bulkhead.....	- 106 -
K.C.C. 25.08.175 – Dredging	- 107 -

King County Shoreline Regulations

K.C.C. 25.08.190 – Shoreline Environment	- 107 -
K.C.C. 25.08.210 – Float	- 107 -
K.C.C. 25.08.230 – Groin	- 108 -
K.C.C. 25.08.250 – Jetty	- 108 -
K.C.C. 25.08.290 – Shoreline Master Program	- 108 -
New Section – Navigable	- 109 -
New Section – Nearshore	- 109 -
K.C.C. 25.08.370 – Pier or Dock	- 109 -
K.C.C. 25.08.020 – Public Access	- 110 -
K.C.C. 25.08.400 – Redesignation	- 110 -
New Section – Shorelands	- 110 -
K.C.C. 25.08.230 – Shoreline Conditional Use	- 111 -
New Section – Shoreline Jurisdiction	- 111 -
K.C.C. 25.08.480 – Shoreline Stabilization	- 111 -
K.C.C. 25.08.470 – Shoreline variance	- 112 -
K.C.C. 25.08.490 – Shorelines	- 112 -
K.C.C. 25.08.510 – Shorelines of statewide significance	- 112 -
K.C.C. 25.08.570 – Substantial Development	- 113 -
K.C.C. 25.08.590 – Water Dependent Use	- 113 -
New Section – Water Enjoyment Use	- 113 -
New Section – Water Oriented Use	- 114 -
K.C.C. 25.08.600 – Water Related Use	- 114 -
New Section – K.C.C. 21A.08 – Permitted Uses	- 115 -
New Section – K.C.C. Ch. 21A.12 – Densities and Dimensions	- 115 -
K.C.C. 21A.32.045 – Nonconforming uses	- 115 -
K.C.C. 25.32.040 – Shoreline variances	- 116 -
K.C.C. 25.32.050 – Shoreline Conditional Uses	- 117 -
K.C.C. 21A.50.030 – Violations	- 118 -
New Section – Regional light rail transit	- 119 -
K.C.C. 21A06.942 – Public road right-of-way structure	- 120 -
K.C.C. 21.A.24.045 – Allowed Alterations	- 120 -
K.C.C. 21.A.24.070 – Alteration Exceptions	- 155 -
K.C.C. 21.A.24.275 – Channel Migration Zone – Development Regulations	- 158 -
K.C.C. 21.A.24.325 – Wetland Buffers	- 160 -
K.C.C. 21.A.24.358 – Aquatic Area Buffers	- 170 -
Repealers	- 173 -

King County Shoreline Regulations

1 ..title

2 AN ORDINANCE relating to adopting the shoreline master
3 program, amending Ordinance 263, Article 2, Section 1, as
4 amended, and K.C.C. 20.12.010, Ordinance 3692, Section 2, and
5 K.C.C. 20.12.200, Ordinance 13147, Section 19, as amended, and
6 K.C.C. 20.18.030, Ordinance 13147, Section 20, as amended, and
7 K.C.C. 20.18.040, Ordinance 13147, Section 21, as amended, and
8 K.C.C. 20.18.050, Ordinance 3688, Section 813, and K.C.C.
9 25.32.130, Ordinance 13687, Section 3, and K.C.C. 25.32.140,
10 Ordinance 13687, Section 4, and K.C.C. 25.32.150, Ordinance
11 13687, Section 7, and K.C.C. 25.32.180, Ordinance 3688 Ch. 2
12 (part), as amended, and K.C.C. 25.08.010, Ordinance 3688,
13 Section 104, and K.C.C. 25.04.040, Ordinance 3688, Section 215,
14 and K.C.C. 25.08.160, Ordinance 3688, Section 105, as amended,
15 and K.C.C. 25.04.050, Ordinance 3688, Section 303, and K.C.C.
16 25.12.030, Ordinance 3688, Section 302, and K.C.C. 25.12.020,
17 Ordinance 3688, Section 305, and K.C.C. 25.12.050, Ordinance
18 3688, Section 506, as amended, and K.C.C. 25.20.060, Ordinance
19 3688, Section 415, and K.C.C. 25.16.200, Ordinance 3688, Section
20 413, as amended, and K.C.C. 25.16.180, Ordinance 3688, Section
21 409(4), as amended, and K.C.C. 25.16.120, Ordinance 3688,
22 Section 414, as amended, and K.C.C. 25.16.190, Ordinance 3688,
23 Section 410, as amended, and K.C.C. 25.16.150, Ordinance 3688,

King County Shoreline Regulations

24 Section 411, and K.C.C. 25.16.160, Ordinance 3688, Section 408,
25 and K.C.C. 25.16.080, Ordinance 3688, Section 801, and K.C.C.
26 25.32.010, Ordinance 3688, Section 802, and K.C.C. 25.32.020,
27 Ordinance 3688 Section 806, and K.C.C. 25.32.060, Ordinance
28 3688, Section 810, and K.C.C. 25.32.100, Ordinance 3688, Section
29 208, and K.C.C. 25.08.090, Ordinance 3688, Section 209, and
30 K.C.C. 25.08.100, Ordinance 5734, Section 1, and K.C.C.
31 25.08.175, Ordinance 3688, Section 218, and K.C.C. 25.08.190,
32 Ordinance 3688, Section 220, and K.C.C. 25.08.210, Ordinance
33 3688, Section 222, and K.C.C. 25.08.230, Ordinance 3688, Section
34 224, and K.C.C. 25.08.250, Ordinance 3688, Section 228, and
35 K.C.C. 25.08.290, Ordinance 3688, Section 234, and K.C.C.
36 25.08.370, Ordinance 3688, Section 201, and K.C.C. 25.08.020,
37 Ordinance 3688, Section 237, and K.C.C. 25.08.400, Ordinance
38 3688, Section 247, and K.C.C. 25.08.460, Ordinance 3688, Section
39 251, and K.C.C. 25.08.480, Ordinance 3688, Section 248, and
40 K.C.C. 25.08.470, Ordinance 3688, Section 246, and K.C.C.
41 25.08.490, Ordinance 3688, Section 249, and K.C.C. 25.08.510,
42 Ordinance 3688, Section 255, and K.C.C. 25.08.570, Ordinance
43 3688, Section 257, and K.C.C. 25.08.590, Ordinance 3688, Section
44 258, and K.C.C. 25.08.600, Ordinance 13130, Section 3, as
45 amended, and K.C.C. 21A.32.045, Ordinance 3688, Section 804,
46 as amended, and K.C.C. 25.32.040, Ordinance 3688, Section 805,

King County Shoreline Regulations

47 and K.C.C. 25.32.050, Ordinance 10870, Section 631, and K.C.C.
48 21A.50.030, Ordinance 15051, Section 137, and K.C.C.
49 21A.24.045, Ordinance 15051, Section 139, and K.C.C.
50 21A.24.055 and Ordinance 10870, Section 454, as amended, and
51 K.C.C. 21A.24.070, creating a new chapter in K.C.C. Title 21A,
52 adding new sections to K.C.C. Title 21A, decodifying Ordinance
53 11622, Section 1, and K.C.C. 7.02.010, Ordinance 11622, Section
54 1, and K.C.C. 23.02.020 and repealing Ordinance 3688, Section
55 102, and K.C.C. 25.04.020, Ordinance 11622, Section 1, and
56 K.C.C. 25.04.025, Ordinance 3688, Section 106, and K.C.C.
57 25.04.060, Ordinance 12196, Section 58, as amended, and K.C.C.
58 25.08.015, Ordinance 3699, Section 203, and K.C.C. 25.08.040,
59 Ordinance 3688, Section 204, and K.C.C. 25.08.050, Ordinance
60 3688, Section 205, and K.C.C. 25.08.060, Ordinance 3688, Section
61 206, and K.C.C. 25.08.070, Ordinance 3688, Section 207, and
62 K.C.C. 25.08.080, Ordinance 3688, Section 210, and K.C.C.
63 25.08.110, Ordinance 3688, Section 211, and K.C.C. 25.08.120,
64 Ordinance 3688, Section 212, and K.C.C. 25.08.130, Ordinance
65 3688, Section 213, and K.C.C. 25.08.140, Ordinance 13687,
66 Section 1, as amended, and K.C.C. 25.08.150, Ordinance 3688,
67 Section 216, and K.C.C. 25.08.170, Ordinance 3688, Section 217,
68 and K.C.C. 25.08.180, Ordinance 5734, Section 1, and K.C.C.
69 25.08.185, Ordinance 3688, Section 221, and K.C.C. 25.08.220,

King County Shoreline Regulations

70 Ordinance 3688, Section 223, and K.C.C. 25.08.240, Ordinance
71 3688, Section 225, and K.C.C. 25.08.260, Ordinance 3688, Section
72 227, and K.C.C. 25.08.280, Ordinance 5734, Section 1, and K.C.C.
73 25.08.285, Ordinance 4222, Section 2, and K.C.C. 25.08.300,
74 Ordinance 3688, Section 229, and K.C.C. 25.08.310, Ordinance
75 3688, Section 230, and K.C.C. 25.08.320, Ordinance 3688, Section
76 231, and K.C.C. 25.08.330, Ordinance 3688, Section 232, and
77 K.C.C. 25.08.340, Ordinance 3688, Section 235, and K.C.C.
78 25.08.360, Ordinance 3688, Section 236, and K.C.C. 25.08.380,
79 Ordinance 3688, Section 238, and K.C.C. 25.08.390, Ordinance
80 3688, Section 239, and K.C.C. 25.08.410, Ordinance 3688, Section
81 240, and K.C.C. 25.08.420, Ordinance 3688, Section 241, and
82 K.C.C. 25.08.430, Ordinance 3688, Section 243, and K.C.C.
83 25.08.450, Ordinance 3688, Section 252, and K.C.C. 25.08.500,
84 Ordinance 3688, Section 244, and K.C.C. 25.08.530, Ordinance
85 3688, Section 245, and K.C.C. 25.08.540, Ordinance 3688, Section
86 253, and K.C.C. 25.08.550, Ordinance 3688, Section 254, and
87 K.C.C. 25.08.560, Ordinance 5734, Section 1, and K.C.C.
88 25.08.565, Ordinance 3688, Section 256, and K.C.C. 25.08.580,
89 Ordinance 12750, Section 1, and K.C.C. 25.08.604, Ordinance
90 3688, Section 259, and K.C.C. 25.08.610, Ordinance 3688, Section
91 304, and K.C.C. 25.12.040, Ordinance 3688, Section 401, and
92 K.C.C. 25.16.010, Ordinance 3688, Section 402, and K.C.C.

King County Shoreline Regulations

93 25.16.020, Ordinance 3688, Section 403, as amended, and K.C.C.
94 25.16.030, Ordinance 3688, Section 404, and K.C.C. 25.16.040,
95 Ordinance 3688, Section 405, and K.C.C. 25.16.050, Ordinance
96 3688, Section 406, and K.C.C. 25.16.060, Ordinance 3688, Section
97 407, and K.C.C. 25.16.070, Ordinance 3688, Section 409(1), as
98 amended, and K.C.C. 25.16.090, Ordinance 3688, Section 409(2), as
99 amended, and K.C.C. 25.16.100, Ordinance 3688, Section 409(3),
100 and K.C.C. 25.16.110, Ordinance 3688, Section 409(5), and K.C.C.
101 25.16.130, Ordinance 3688, Section 409(6), as amended, and
102 K.C.C. 25.16.140, Ordinance 3688, Section 412, and K.C.C.
103 25.16.170, Ordinance 3688, Section 501, and K.C.C. 25.20.010,
104 Ordinance 3688, Section 502, and K.C.C. 25.20.020, Ordinance
105 3688, Section 503, as amended, and K.C.C. 25.20.030, Ordinance
106 3688, Section 504, and K.C.C. 25.20.040, Ordinance 3688, Section
107 505, and K.C.C. 25.20.050, Ordinance 3688, Section 507, and
108 K.C.C. 25.20.070, Ordinance 3688, Section 508, and K.C.C.
109 25.20.080, Ordinance 3688, Section 509, as amended, and K.C.C.
110 25.20.090, Ordinance 3688, Section 510, as amended, and K.C.C.
111 25.20.100, Ordinance 3688, Section 511, and K.C.C. 25.20.110,
112 Ordinance 3688, Section 512, and K.C.C. 25.20.120, Ordinance
113 3688, Section 513, and K.C.C. 25.20.130, Ordinance 3688, Section
114 514, as amended, and K.C.C. 25.20.140, Ordinance 3688, Section
115 515, and K.C.C. 25.20.150, Ordinance 3688, Section 601, and

King County Shoreline Regulations

116 K.C.C. 25.24.010, Ordinance 3688, Section 602, and K.C.C.
117 25.24.020, Ordinance 3688, Section 603, as amended, and K.C.C.
118 25.24.030, Ordinance 3688, Section 604, and K.C.C. 25.24.040,
119 Ordinance 3688, Section 605, and K.C.C. 25.24.050, Ordinance
120 3688, Section 606, and K.C.C. 25.24.060, Ordinance 3688, Section
121 607, and K.C.C. 25.24.070, Ordinance 3688, Section 608, as
122 amended, and K.C.C. 25.24.080, Ordinance 3688, Section 609, as
123 amended, and K.C.C. 25.24.090, Ordinance 3688, Section 610, as
124 amended, and K.C.C. 25.24.100, Ordinance 3688, Section 611, and
125 K.C.C. 25.24.110, Ordinance 3688, Section 612, and K.C.C.
126 25.24.120, Ordinance 3688, Section 613, as amended, and K.C.C.
127 25.24.130, Ordinance 3688, Section 614, as amended, and K.C.C.
128 25.24.140, Ordinance 3688, Section 615, and K.C.C. 25.24.150,
129 Ordinance 3688, Section 701, and K.C.C. 25.28.010, Ordinance
130 3688, Section 702, and K.C.C. 25.28.020, Ordinance 3688, Section
131 703, as amended, and K.C.C. 25.28.030, Ordinance 3688, Section
132 704, and K.C.C. 25.28.040, Ordinance 3688, Section 703, as
133 amended, and K.C.C. 25.28.050, Ordinance 3688, Section 706, and
134 K.C.C. 25.28.060, Ordinance 3688, Section 707, and K.C.C.
135 25.28.070, Ordinance 3688, Section 708, as amended, and K.C.C.
136 25.28.080, Ordinance 3688, Section 709, as amended, and K.C.C.
137 25.28.090, Ordinance 3688, Section 710, as amended, and K.C.C.
138 25.28.100, Ordinance 3688, Section 711, and K.C.C. 25.28.110,

King County Shoreline Regulations

139 Ordinance 3688, Section 712, and K.C.C. 25.28.120, Ordinance
140 3688, Section 713, and K.C.C. 25.28.130, Ordinance 3688, Section
141 714, as amended, and K.C.C. 25.28.140, Ordinance 3688, Section
142 715, and K.C.C. 25.28.150, Ordinance 3688, Section 808, as
143 amended, and K.C.C. 25.32.080, Ordinance 3688, Section 809, as
144 amended, and K.C.C. 25.32.090, Ordinance 3688, Section 811, and
145 K.C.C. 25.32.110, Ordinance 3688, Section 812, and K.C.C.
146 25.32.120, Ordinance 13687, Section 5, and K.C.C. 25.32.160, and
147 Ordinance 13687, Section 6, and K.C.C. 25.32.170.

148 ..body

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

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

153 B. The King County Code authorizes a review of the Comprehensive Plan and generally
154 only allows substantive amendments to the Comprehensive Plan once every four years. This
155 King County Comprehensive Plan 2009. The King County Code authorizes an adoption or
156 amendment of the King County Shoreline Master Program outside of the four year update cycle;

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

159 D. The King County Shoreline Master Program was originally adopted by the King
160 County Council in 1977 and has not been significantly updated since. In the intervening years,
161 King County has seen significant population growth and development that has affected King

King County Shoreline Regulations

162 County's shorelines. In 2003, the Washington state Department of Ecology amended its
163 guidelines governing the contents of Shoreline Master Programs. In 2003, the Washington state
164 Legislature amended the Shoreline Management Act to require King County to update its
165 Shoreline Master Program by December 1, 2009. Beginning in January 2007, King County
166 conducted extensive public outreach as part of the process to update the Shoreline Master
167 Program and collected relevant technical information and analysis to support the update. King
168 County's Shoreline Master Program is consistent with the requirements of the Shoreline
169 Management Act and Department of Ecology guidelines.

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

172 E. The changes to zoning contained in this ordinance are needed to maintain conformity
173 with the King County Comprehensive Plan, as required by the GMA, or to address new issues
174 identified since the zoning code was adopted. As such, they bear a substantial relationship to,
175 and are necessary for, the public health, safety and general welfare of King County and its
176 residents.

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

179 A. Under the King County Charter, the state Constitution and the Washington state
180 Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is
181 adopted and declared to be the Comprehensive Plan for King County until amended, repealed or
182 superseded. King County performed its first comprehensive four-cycle review of the
183 Comprehensive Plan. As a result of the review, King County amended the 1994 Comprehensive
184 Plan through passage of the King County Comprehensive Plan 2000. King County performed its

King County Shoreline Regulations

185 second comprehensive four-cycle review of the Comprehensive Plan in 2004. As a result of the
186 review, King County amended the 2000 Comprehensive Plan through passage of the King
187 County Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning
188 document for the orderly physical development of the county and shall be used to guide subarea
189 plans, functional plans, provision of public facilities and services, review of proposed
190 incorporations and annexations, development regulations and land development decisions.

191 B. The amendments to the 1994 King County Comprehensive Plan contained in
192 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments) are
193 hereby adopted.

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

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

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

King County Shoreline Regulations

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

209 G. The Black Diamond Urban Growth Area contained in Appendix A to Ordinance
210 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

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

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

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

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

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

King County Shoreline Regulations

228 M. The 1999 Transportation Needs Report contained in Attachment A to Ordinance
229 13339 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,
230 Technical Appendix C, and the amendments to the 1994 King County Comprehensive Plan
231 contained in Attachment B to Ordinance 13339 are hereby adopted as amendments to the King
232 County Comprehensive Plan.

233 N. The amendments to the 1994 King County Comprehensive Plan contained in
234 Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments) are
235 hereby adopted as amendments to the King County Comprehensive Plan.

236 O. The 2000 Transportation Needs Report contained in Attachment A to this Ordinance
237 13674 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,
238 Technical Appendix C.

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

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

246 R. The Fall City area zoning amendments contained in Attachment A to Ordinance
247 13875 are adopted as the zoning control for those portions of unincorporated King County
248 defined in the attachment. Existing property-specific development standards (p-suffix
249 conditions) on parcels affected by Attachment A to Ordinance 13875 do not change except as
250 specifically provided in Attachment A to Ordinance 13875.

King County Shoreline Regulations

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

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

259 U. The amendments to the 1994 King County Comprehensive Plan contained in
260 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000) are
261 hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to
262 Ordinance 14044 amends the policies, text and maps of the Comprehensive Plan. Amendments
263 to the policies are shown with deleted language struck out and new language underlined. The
264 text and maps in Attachment A to Ordinance 14044 replace the previous text and maps in the
265 Comprehensive Plan. Attachment B to Ordinance 14044 contains technical appendix A (capital
266 facilities), which replaces technical appendix A to the King County Comprehensive Plan,
267 technical appendix C (transportation), which replaces technical appendix C to the King County
268 Comprehensive Plan, and technical appendix M (public participation), which is a new technical
269 appendix that describes the public participation process for the King County Comprehensive
270 Plan 2000. Attachment C to Ordinance 14044 includes amendments to the King County
271 Comprehensive Plan Land Use Map. The land use amendments contained in Attachment C to
272 Ordinance 14044 are adopted as the official land use designations for those portions of
273 unincorporated King County defined in Attachment C to Ordinance 14044.

King County Shoreline Regulations

274 V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A to
275 Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan and, as
276 such, constitutes official county policy for the geographic area of unincorporated King County
277 defined in the plan. Attachment B to Ordinance 14117 amends the King County Comprehensive
278 Plan 2000 land use map by revising the Urban Growth Area for the City of Snoqualmie.
279 Attachment C to Ordinance 14117 amends the policies of the Comprehensive Plan.

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

285 X. The amendments to the King County Comprehensive Plan 2000 contained in
286 Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County
287 Comprehensive Plan.

288 Y. The amendments to the King County Comprehensive Plan 2000 contained in
289 Attachment A to Ordinance 14185 are hereby adopted as amendments to the King County
290 Comprehensive Plan in order to comply with the order of the Central Puget Sound Growth
291 Management Hearings Board in *Green Valley et al, v. King County*, CPSGMHB Case No. 98-3-
292 0008c, Final Decision and Order (1998) and the order of the Washington Supreme Court in *King*
293 *County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 14 P.3d
294 133 (2000).

King County Shoreline Regulations

295 Z. The amendments to the King County Comprehensive Plan 2000 contained in
296 Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001 Amendments) are
297 hereby adopted as amendments to the King County Comprehensive Plan.

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

304 BB. The amendments to the King County Comprehensive Plan 2000 contained in
305 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002 Amendments) are
306 hereby adopted as amendments to the King County Comprehensive Plan.

307 CC. The amendments to the King County Comprehensive Plan 2000 contained in
308 Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003 Amendments) are
309 hereby adopted as amendments to the King County Comprehensive Plan.

310 DD. The amendments to the King County Comprehensive Plan 2000 contained in
311 Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan 2004) are
312 hereby adopted as amendments to the King County Comprehensive Plan. Attachment A, Part I,
313 to Ordinance 15028 amends the policies, text and maps of the Comprehensive Plan. Attachment
314 A, Part II, to Ordinance 15028 includes amendments to the King County Comprehensive Plan
315 Land Use Map. The land use amendments contained in Attachment A, Part II, to Ordinance
316 15028 are adopted as the official land use designations for those portions of unincorporated King
317 County defined in Attachment A, Part II, to Ordinance 15028. Attachment B to Ordinance

King County Shoreline Regulations

318 15028 contains Technical Appendix A (Capital Facilities), which replaces technical appendix A
319 to the King County Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical
320 Appendix B (Housing), which replaces Technical Appendix B to the King County
321 Comprehensive Plan. Attachment D to Ordinance 15028 contains Technical Appendix C
322 (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan
323 2000. Attachment E to Ordinance 15028 contains Technical Appendix D (Growth Targets and
324 the Urban Growth Area 2004).

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

328 FF. The amendments to the King County Comprehensive Plan 2004 contained in
329 Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005 Amendments) are
330 hereby adopted as amendments to the King County Comprehensive Plan.

331 GG. Attachment A to Ordinance 15326, which is the King County Comprehensive Plan
332 Sammamish Agricultural Production District Subarea Plan dated November 7, 2005, is hereby
333 adopted as an amendment to the 2004 King County Comprehensive Plan, as amended, in order to
334 comply with the Central Puget Sound Growth Management Hearings Board's Final Decision and
335 Order in *Maxine Keesling v. King County*, Case No. 04-3-0024 (Keesling III), dated May 31,
336 2005.

337 HH. The amendments to the King County Comprehensive Plan 2004 contained in
338 Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the King
339 County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to the King
340 County Comprehensive Plan 2004) amends the policies and maps of the King County

King County Shoreline Regulations

341 Comprehensive Plan. Attachment B to Ordinance 15607 contains technical appendix O
342 (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends King County
343 Comprehensive Plan, Technical Appendix C (Transportation), by replacing the transportation
344 needs report. Attachment D to Ordinance 15607 amends King County Comprehensive Plan,
345 Technical Appendix C (Transportation), by replacing the arterial functional classification map.

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

349 JJ. The amendments to the King County Comprehensive Plan 2004 contained in
350 Attachments A, B, C, D, E and F to this ordinance are hereby adopted as amendments to the
351 King County Comprehensive Plan. Attachment A to this ordinance amends the policies, text and
352 maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use
353 Zoning. The land use amendments contained in Attachment B to this ordinance contains Technical
354 Appendix A (Capital Facilities), which replaces Technical Appendix A to the King County
355 Comprehensive Plan 2004. Attachment C to this ordinance contains Technical Appendix B
356 (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2004.
357 Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment A to
358 this ordinance are adopted as the official land use designations for those portions of
359 unincorporated King County defined in Attachment A to this ordinance. Attachment D to this
360 ordinance contains Technical Appendix C (Transportation), which replaces Technical Appendix
361 C to the King County Comprehensive Plan 2004. Attachment E to this ordinance contains the
362 transportation needs report, which replaces the transportation needs report in Technical

King County Shoreline Regulations

363 Appendix C to the King County Comprehensive Plan 2004. Attachment F to this ordinance
364 contains Technical Appendix D (Growth Targets and the Urban Growth Area 2008).

365 KK. The amendments to the King County Comprehensive Plan 2008 contained in
366 Attachment A to this ordinance are hereby adopted as amendments to the King County
367 Comprehensive Plan. Attachment A to this ordinance amends the policies and goals of the King
368 County Shoreline Master Program, consistent with the requirements of RCW chapter 90.58 and
369 WAC chapter 173-26, and adds a new chapter 5 to the King County Comprehensive Plan.

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

372 The ~~((policies, objectives and goals of the shorelines management master program,** are~~
373 ~~adopted as an addendum to the Comprehensive Plan for King County. As an addendum to the~~
374 ~~comprehensive plan, such policy statement.)) King County shoreline master program consists of
375 the following two elements:~~

376 A. The King County shoreline management goals and policies contained in chapter five
377 of the King County Comprehensive Plan. The shoreline management goals and policies
378 constitute((s)) the official policy of King County regarding areas of the county subject to
379 shoreline management jurisdiction under RCW chapter 90.58; and

380 B. The King County code sections identified in section 4 of this ordinance.

381 NEW SECTION. SECTION 4. There is hereby added a new section to K.C.C. chapter
382 20.12 to read as follows:

383 The following King County code sections in effect as of the effective date of this
384 ordinance are adopted as land use and development regulations within the shoreline jurisdiction:

385 A. The following sections within King County Code Title 20, Planning:

King County Shoreline Regulations

- 386 1. K.C.C. 20.18.040;
- 387 2. K.C.C. 20.18.050;
- 388 3. K.C.C. 25.32.130, as recodified by this ordinance;
- 389 4. K.C.C. 25.32.140, as recodified by this ordinance;
- 390 5. K.C.C. 25.32.150, as recodified by this ordinance; and
- 391 6. K.C.C. 25.32.180, as recodified by this ordinance.
- 392 B. The following sections within King County Code Title 21A, Zoning:
- 393 1. K.C.C. 21A.06.358 – Aquatic area;
- 394 2. K.C.C. 25.08.090, as recodified by this ordinance – Breakwater;
- 395 3. K.C.C. 25.08.100, as recodified by this ordinance – Bulkhead;
- 396 4. K.C.C. 25.08.175, as recodified by this ordinance – Dredging;
- 397 5. K.C.C. 25.08.190, as recodified by this ordinance – Environment, shoreline;
- 398 6. K.C.C. 25.08.210, as recodified by this ordinance – Float;
- 399 7. K.C.C. 25.08.230, as recodified by this ordinance – Groin;
- 400 8. K.C.C. 25.08.250, as recodified by this ordinance – Jetty;
- 401 9. K.C.C. 25.08.290, as recodified by this ordinance – Master program, shoreline;
- 402 10. K.C.C. 25.08.090, as recodified by this ordinance
- 403 11. Section 87 of this ordinance – Navigability or navigable;
- 404 12. Section 88 of this ordinance – Nearshore;
- 405 13. K.C.C. 25.08.370, as recodified by this ordinance – Pier or dock;
- 406 14. K.C.C. 25.08.020, as recodified by this ordinance – Public access;
- 407 15. K.C.C. 25.08.400, as recodified by this ordinance – Redesignation;
- 408 16. Section 95 of this ordinance – Shorelands;

King County Shoreline Regulations

- 409 17. K.C.C. 25.08.460, as recodified by this ordinance – Shoreline conditional use;
- 410 18. Section 98 of this ordinance – Shoreline jurisdiction;
- 411 19. K.C.C. 25.08.480, as recodified by this ordinance – Shoreline stabilization;
- 412 20. K.C.C. 25.08.470, as recodified by this ordinance – Shoreline variance;
- 413 21. K.C.C. 25.08.490, as recodified by this ordinance – Shorelines;
- 414 22. K.C.C. 25.08.510, as recodified by this ordinance – Shorelines of statewide
- 415 significance;
- 416 23. K.C.C. 25.08.570, as recodified by this ordinance – Substantial development;
- 417 24. K.C.C. 25.08.590, as recodified by this ordinance – Water dependent use;
- 418 25. Section 111 of this ordinance – Water enjoyment use;
- 419 26. Section 112 of this ordinance – Water oriented use;
- 420 27. K.C.C. 25.08.600, as recodified by this ordinance – Water related use;
- 421 28. K.C.C. 21A.24.045 - Allowed alterations;
- 422 29. K.C.C. 21A.24.051 - Agricultural activity development standards;
- 423 30. K.C.C. 21A.24.055 - Rural stewardship plans;
- 424 31. K.C.C. 21A.24.070A., D., and E. - Alteration exceptions (excludes reasonable use);
- 425 32. K.C.C. 21A.24.125 - Avoiding impacts;
- 426 33. K.C.C. 21A.24.130 - Mitigation and monitoring;
- 427 34. K.C.C. 21A.24.133 - Off-site mitigation;
- 428 35. K.C.C. 21A.24.200 - Building setbacks;
- 429 36. K.C.C. 21A.24.210 - Coal Mine Hazard Area development standards;
- 430 37. K.C.C. 21A.24.220 - Erosion Hazard Area development standards;
- 431 38. K.C.C. 21A.24.240 - Zero rise flood fringe development standards;

King County Shoreline Regulations

- 432 39. K.C.C. 21A.24.250 - Zero rise floodway development standards;
- 433 40. K.C.C. 21A.24.260 - FEMA floodway development standards;
- 434 41. K.C.C. 21A.24.275 - Channel migration zone development standards;
- 435 42. K.C.C. 21A.24.280 - Landslide Hazard Area development standards;
- 436 43. K.C.C. 21A.24.290 - Seismic Hazard Area development standards;
- 437 44. K.C.C. 21A.24.300 - Volcanic Hazard Area development standards;
- 438 45. K.C.C. 21A.24.310 - Steep Slope Hazard Area development standards;
- 439 46. K.C.C. 21A.24.316 - Critical Aquifer Recharge Area development standards;
- 440 47. K.C.C. 21A.24.325 - Wetland buffers;
- 441 48. K.C.C. 21A.24.335 - Wetland development standards;
- 442 49. K.C.C. 21A.24.340 - Wetland mitigation requirements;
- 443 50. K.C.C. 21A.24.358 - Aquatic area buffers;
- 444 51. K.C.C. 21A.24.365 - Aquatic area development standards;
- 445 52. K.C.C. 21A.24.380 - Aquatic area mitigation requirements;
- 446 53. K.C.C. 21A.24.382 - Wildlife habitat conservation area development standards;
- 447 54. K.C.C. 21A.24.386 - Wildlife habitat network development standards;
- 448 55. K.C.C. 21A.24.388 - Wildlife habitat network mitigation requirements;
- 449 56. K.C.C. 21A.32.045 – Non-conformance – re-establishment of a discontinued non-
- 450 conforming use;
- 451 57. K.C.C. 21A.50.030 – Violations defined; and
- 452 58. K.C.C. chapter 21A.___ (the new chapter created by section 16 of this ordinance).
- 453 C. Subsequent amendments to the land use and development regulations included in
- 454 subsections A and B of this section must be approved by the Washington State department of

King County Shoreline Regulations

455 ecology before they become land use and development regulations within the shoreline
456 jurisdiction.

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

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

- 464 1. Emergencies;
- 465 2. An appeal of the plan filed with the Central Puget Sound Growth Management
466 Hearings Board or with the court;
- 467 3. The initial adoption of a subarea plan, which may amend the urban growth area
468 boundary only to redesignate land within a joint planning area; or
- 469 4. ~~The adoption or amendment of a shoreline master program under chapter 90.58 RCW;~~
470 ~~or~~
- 471 5.)) An amendment of the capital facilities element of the Comprehensive Plan that
472 occurs in conjunction with the adoption of the county budget.

473 B. Every year the Comprehensive Plan may be amended to address technical updates and
474 corrections and to consider amendments that do not require substantive changes to policy
475 language or changes to the urban growth area boundary, except as permitted in subsection B.5,
476 10 and 12 of this section. This review may be referred to as the annual cycle. The

King County Shoreline Regulations

477 Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to
478 consider the following:

- 479 1. Technical amendments to policy, text, ((~~or~~)) maps or shoreline designations;
- 480 2. The annual capital improvement plan;
- 481 3. The transportation needs report;
- 482 4. School capital facility plans;
- 483 5. Changes required to implement an amendment to a joint interlocal/development
484 agreement in existence on January 1, 2008, between King County, another local government and one
485 or more private parties, only if the amendment to the joint interlocal/development agreement includes
486 a provision to alter the urban growth area boundary to add areas to the urban growth area, requires
487 that an area four times the area that is added to the urban growth area be permanently designated as
488 park or open space and requires the transfer of development rights on terms as provided in the
489 amendment;
- 490 6. Changes required by existing Comprehensive Plan policies;
- 491 7. Changes to the technical appendices and any amendments required thereby;
- 492 8. Comprehensive updates of subarea plans initiated by motion;
- 493 9. Changes required by amendments to the countywide planning policies or state law;
- 494 10. Redesignation proposals under the four-to-one program as provided for in this
495 chapter;
- 496 11. Amendments necessary for the conservation of threatened and endangered species;
- 497 and
- 498 12. Site-specific comprehensive land use map amendments that do not require
499 substantive change to comprehensive plan policy language and that do not alter the urban growth
500 area boundary, except to correct mapping errors.

King County Shoreline Regulations

501 C. Every fourth year beginning in 2000, the county shall complete a comprehensive
502 review of the Comprehensive Plan in order to update it as appropriate and to ensure continued
503 compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year
504 plan based upon official population growth forecasts, benchmarks and other relevant data in order
505 to consider substantive changes to policy language and changes to the urban growth area (UGA).
506 This comprehensive review shall begin one year in advance of the transmittal and may be referred
507 to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the
508 four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130.
509 If the county determines that the purposes of the Comprehensive Plan are not being achieved as
510 evidenced by official population growth forecasts, benchmarks, trends and other relevant data,
511 substantive changes to the Comprehensive Plan may also be considered on even calendar years.
512 This determination shall be authorized by motion. The motion shall specify the scope of the even-
513 year amendment, and identify that the resources necessary to accomplish the work are available.
514 An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The
515 executive shall determine if additional funds are necessary to complete the even-year amendment,
516 and may transmit an ordinance requesting the appropriation of supplemental funds.

517 D. The executive shall seek public comment on the comprehensive plan and any
518 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.
519 20.18.160 before making a recommendation, in addition to conducting the public review and
520 comment procedures required by SEPA. The public, including unincorporated area councils,
521 shall be afforded at least one official opportunity to record public comment before to the
522 transmittal of a recommendation by the executive to the council. County-sponsored councils and
523 commissions may submit written position statements that shall be considered by the executive

King County Shoreline Regulations

524 before transmittal and by the council before adoption, if they are received in a timely manner.
525 The executive's recommendations for changes to policies, text, and maps shall include the
526 elements listed in comprehensive plan policy RP-307 and analysis of their financial costs and
527 public benefits, any of which may be included in environmental review documents. Proposed
528 amendments to the comprehensive plan shall be accompanied by any development regulations or
529 amendments to development regulations, including area zoning, necessary to implement the
530 proposed amendments.

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

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

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

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

542 2. Four-to-one-proposals.

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

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

King County Shoreline Regulations

547 2. ((a))Amendments that require substantive change to comprehensive plan policy
548 language; and

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

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

552 A. Site-specific land use map and shoreline master program map amendments are
553 legislative actions that may only be initiated by property owner application, by council motion,
554 or by executive proposal. All site-specific land use map and shoreline master program map
555 amendments must be evaluated by the hearing examiner before adoption by the council in
556 accordance with this chapter.

557 1. If initiated by council motion, the motion shall refer the proposed site-specific land
558 use map or shoreline master program map amendment to the department of development and
559 environmental services for preparation of a recommendation to the hearing examiner. The
560 motion shall also identify the resources and the work program required to provide the same level
561 of review accorded to applicant-generated amendments. An analysis of the motion's fiscal
562 impact shall be provided to the council before adoption. If the executive determines that
563 additional funds are necessary to complete the work program, the executive may transmit an
564 ordinance requesting the appropriation of supplemental funds((-));

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

568 3. If initiated by property owner application, the property owner shall submit a
569 docketed request for a site-specific land use map or shoreline master program map amendment.

King County Shoreline Regulations

570 Upon receipt of a docketed request for a site-specific land use map or shoreline master program
571 map amendment, the request shall be referred to the department of development and
572 environmental services for preparation of a recommendation to the hearing examiner.

573 B. All proposed site-specific land use map or shoreline master program map
574 amendments, whether initiated by property owner application, by council motion, or by
575 executive proposal shall include the following:

- 576 1. Name and address of the owner(s) of record;
- 577 2. Description of the proposed amendment;
- 578 3. Property description, including parcel number, property street address and nearest
579 cross street;
- 580 4. County assessor's map outlining the subject property; and
- 581 5. Related or previous permit activity.

582 C. Upon initiation of a site specific land use map or shoreline master program map
583 amendment, an initial review conference will be scheduled by the department of development
584 and environmental services. The owner or owners of record of the property shall be notified of
585 and invited to attend the initial review conference. At the initial review conference, the
586 department will review the proposed amendment's consistency with applicable county policies
587 or regulatory enactments including specific reference to comprehensive plan policies,
588 countywide planning policies and state Growth Management Act requirements. The proposed
589 amendment will be classified pursuant to K.C.C. 20.18.040 and this information either will be
590 provided at the initial review conference or in writing to the owner or owners of record within
591 thirty days.

King County Shoreline Regulations

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

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

601 F. If a proposed site-specific land use map or shoreline master program map amendment
602 is initiated by executive proposal, following the initial review conference, the executive shall
603 submit an environmental checklist to the department of development and environmental services
604 to proceed with review of the proposed amendment.

605 G. Following the submittal of the information required by subsections D, E or F, the
606 department of development and environmental services shall submit a report including an
607 executive recommendation on the proposed amendment to the hearing examiner within one
608 hundred twenty days. The department of development and environmental services shall provide
609 notice of a public hearing and notice of threshold determination pursuant to K.C.C. 20.20.060 F,
610 G and H. The hearing will be conducted by the hearing examiner pursuant to K.C.C. 20.24.400.
611 Following the public hearing, the hearing examiner shall prepare a report and recommendation
612 on the proposed amendment pursuant to K.C.C. 20.24.400. A compilation of all completed
613 reports will be considered by the council pursuant to K.C.C. 20.18.070.

King County Shoreline Regulations

614 H. A property-owner-initiated for a site-specific land use map or shoreline master
615 program map amendment may be accompanied by an application for a zone reclassification to
616 implement the proposed amendment, in which case administrative review of the two applications
617 shall be consolidated to the extent practical consistent with this ordinance and K.C.C. chapter
618 20.20. The council's consideration of a site-specific land use map or shoreline master program
619 map amendment is a legislative decision which will be determined before and separate from their
620 consideration of a zone reclassification which is a quasi-judicial decision. If a zone
621 reclassification is not proposed in conjunction with an application for a site-specific land use
622 map or shoreline master program map amendment and the amendment is adopted, the property
623 shall be given potential zoning. A zone reclassification pursuant to K.C.C. 20.20.020 will be
624 required in order to implement the potential zoning.

625 I. Site-specific land use map or shoreline master program map amendments for which a
626 completed recommendation by the hearing examiner has been submitted to the council by
627 January 15 will be considered concurrently with the annual amendment to the comprehensive
628 plan. Site specific land use map or shoreline master program map amendments for which a
629 recommendation has not been issued by the hearing examiner by January 15 will be included in
630 the next appropriate review cycle following issuance of the examiner's recommendation.

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

King County Shoreline Regulations

636 1. A waiver by the executive shall be considered after the proponent has submitted a
637 docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver
638 decision within forty-five days of receiving a docket request and shall mail a copy of this
639 decision to the proponent((-)); and

640 2. A waiver by the council shall be considered by motion.

641 K. A shoreline master program map amendment and redesignation must meet the
642 requirements of K.C.C. 25.32.130 through 25.32.150, as recodified by this ordinance, and the
643 Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master
644 program map amendment and redesignation must be approved by the Washington state
645 Department of Ecology.

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

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

650 A. Shoreline environments designated by the master program may be considered for
651 redesignat((ed))ion ((by the county council upon finding that such a redesignation will be
652 consistent with the standards in K.C.C. 25.32.180. A shorelines redesignation may be initiated
653 by an applicant or by motion of the council.)) during the four-year review cycle.

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

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

King County Shoreline Regulations

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

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

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

667 A. A shoreline redesignation initiated by an applicant(~~(, as described in K.C.C.~~
668 ~~25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for shorelines~~
669 ~~redesignations and))~~) must include the following information in addition to the requirements in
670 K.C.C. (~~(chapter 20.20)~~) 20.18.050:

- 671 1. Applicant information, including signature, telephone number and address;
- 672 2. The applicant's interest in the property, such as owner, buyer or consultant;
- 673 3. Property owner concurrence, including signature, telephone number and address;
- 674 4. (~~(A property description, including parcel number, property street address and~~
675 ~~nearest cross street;~~
- 676 ~~5. A county assessor's map outlining the subject property;~~
- 677 ~~6. Related or previous permit activity;~~
- 678 ~~7. A description of the proposed shorelines redesignation;~~
- 679 ~~8.))~~ A mitigation plan providing for significant enhancement of the first one hundred

680 feet adjacent to the shoreline and improved habitat for species declared as endangered or

King County Shoreline Regulations

681 threatened under the Endangered Species Act, to the extent that the impacts of development can
682 be determined at the time of the proposed shoreline redesignation~~((-)); and~~

683 ~~((9-))~~ 5. A discussion of how the proposed shorelines redesignation meets the criteria in
684 K.C.C. 25.32.180 as recodified by this ordinance.

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

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

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

691 A. A council motion initiating a shoreline~~((s))~~ redesignation~~((, as described in K.C.C.~~
692 ~~25.32.130B))~~) must be accompanied by the information to be provided in K.C.C. 25.32.140, as
693 recodified by this ordinance ~~((following information))~~ in addition to the requirements in K.C.C.
694 20.18.050~~((:~~

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

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

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

700 B. ~~((If the motion proposes site specific redesignation, as "site" is defined in K.C.C.~~
701 ~~Title 21A, the redesignation shall be referred to the hearing examiner for consideration following~~
702 ~~the procedures of K.C.C. 25.32.140 for consideration of redesignation application. Any other~~
703 ~~redesignation proposal initiated by motion shall be referred to the executive for consideration as~~

King County Shoreline Regulations

704 ~~to whether the redesignation is appropriate for review as part of the annual or four year~~
705 ~~Comprehensive Plan update, or should proceed independent of the annual or four year update~~
706 ~~process, such as through a subarea planning process.~~

707 ~~(E.))~~ A motion initiating a site-specific shoreline redesignation must identify the
708 resources and the work program required to provide the same level of review accorded to an
709 applicant-generated shoreline((s)) redesignation. Before adoption of the motion, the executive
710 shall have the opportunity to provide an analysis of the motion's fiscal impact. If the executive
711 determines that additional funds are necessary to complete the work program, the executive may
712 transmit an ordinance requesting the appropriation of supplemental funds. The council may
713 consider the supplemental appropriation ordinance concurrently with the proposed motion
714 referring the shoreline((s)) redesignation proposal to the examiner.

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

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

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

725 A shoreline((s)) redesignation referred to the hearing examiner for a public hearing shall
726 be reviewed based upon the requirements of the King County Comprehensive Plan ~~((policies~~

King County Shoreline Regulations

727 ~~NE 308 and I 202~~), state and county shorelines management goals and objectives, and the
728 following additional standards:

729 A. The proposed change shall implement(~~(s)~~) and support(~~(s)~~) the goals of the
730 comprehensive plan, the goals, policies and objectives of the state Shorelines Management Act,
731 (~~and~~) the county's shoreline(~~(s)~~) master program, and the designation criteria of the shoreline
732 environment designation requested(~~(s)~~).

733 B. The impacts of development allowed by the proposed change (~~(will)~~) shall not
734 permanently impair any habitat critical to endangered or threatened species.

735 C. The impacts of development allowed by the proposed change (~~(are)~~) shall adequately
736 address(~~(ed)~~) in a mitigation plan providing significant enhancement of the first one hundred feet
737 adjacent to the stream and improved habitat for species declared as endangered or threatened
738 under the Endangered Species Act, to the extent those impacts may be determinable at the time
739 of the shorelines redesignation. A full mitigation plan shall accompany each application, as
740 provided in K.C.C. 25.32.140 as recodified by this ordinance and K.C.C. 25.32.150 as recodified
741 by this ordinance(~~(; and)~~).

742 D. If greater intensity of development would be allowed as a result of the shoreline(~~(s)~~)
743 redesignation, the proposal shall utilize clustering or a multi-story design to pursue minimum
744 densities while minimizing lot coverage adjacent to the shoreline(~~(s)~~) setback area.

745 SECTION 16. There is hereby established a new chapter in K.C.C. Title 21A. This new
746 chapter shall contain section 17, K.C.C. 25.08.010, as recodified in section 18 and amended in
747 section 19, K.C.C. 25.04.040, as recodified in section 20 and amended in section 21, K.C.C.
748 25.08.160, as recodified in section 22 and amended in section 23, section 24, K.C.C. 25.04.050,
749 as recodified in section 25 and amended in section 26, K.C.C. 25.12.030, as recodified in section

King County Shoreline Regulations

750 27 and amended in section 28, K.C.C. 25.12.020, as recodified in section 29 and amended in
751 section 30, K.C.C. 25.12.050, as recodified in section 31 and amended in section 32, section 33,
752 section 34, section 35, section 36, section 37, K.C.C. 25.20.060, as recodified in section 38 and
753 amended in section 39, section 40, K.C.C. 25.16.200, as recodified in section 41 and amended in
754 section 42, section 43, section 44, K.C.C. 25.16.180, as recodified in section 45 and amended in
755 section 46, K.C.C. 25.16.120, as recodified in section 47 and amended in section 48, K.C.C.
756 25.16.190, as recodified in section 49 and amended in section 50, section 51, section 52, section
757 53, K.C.C. 25.16.150, as recodified in section 54 and amended in section 55, section 56, section
758 57, K.C.C. 25.16.160, as recodified in section 58 and amended in section 59, K.C.C. 25.16.080,
759 as recodified in section 60 and amended in section 61, K.C.C. 25.32.010, as recodified in section
760 62 and amended in section 63, K.C.C. 25.32.020, as recodified in section 64 and amended in
761 section 65, K.C.C. 25.32.060, as recodified in section 66 and amended in section 67 and K.C.C.
762 25.32.100, as recodified in section 68 and amended in section 69.

763 NEW SECTION. SECTION 17. There is hereby added a new section in the new chapter
764 established in section 16 of this ordinance to read as follows:

765 The King County shoreline master program elements are established in K.C.C.
766 20.12.200.

767 SECTION 18. K.C.C. 25.08.010, as amended by this ordinance, is hereby recodified as a
768 new section in the new chapter established in section 16 of this ordinance.

769 SECTION 19. Ordinance 3688 Ch. 2 (part), as amended, and K.C.C. 25.08.010 are each
770 hereby amended to read as follows:

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

King County Shoreline Regulations

773 173-((14))26 WAC shall apply within the shoreline jurisdiction. The definitions in chapter 90.58
774 RCW and chapter 173-26 WAC shall apply if there is a conflict with the definitions contained in
775 K.C.C. chapter 21A.06.

776 SECTION 20. K.C.C. 25.04.040, as amended by this ordinance, is hereby recodified as a
777 new section in the new chapter established in section 16 of this ordinance.

778 SECTION 21. Ordinance 3688, Section 104, and K.C.C. 25.04.040 are each hereby
779 amended to read as follows:

780 This ~~((title))~~ chapter is exempted from the rule of strict construction and shall be liberally
781 construed to give full effect to the objectives and purposes for which it was enacted.

782 SECTION 22. K.C.C. 25.08.160, as amended by this ordinance, is hereby recodified as a
783 new section in the new chapter established in section 16 of this ordinance.

784 SECTION 23. Ordinance 3688, Section 215, and K.C.C. 25.08.160 are each hereby
785 amended to read as follows:

786 ~~(("))~~Development~~((" means))~~: for purposes of this chapter, any development as defined in
787 RCW Chapter 90.58 as now or hereafter amended.

788 NEW SECTION. SECTION 24. There is hereby added a new section in the new chapter
789 established in section 16 of this ordinance to read as follows:

790 Shoreline mixed use: for purposes of this chapter, shoreline development that contains a
791 water-dependent use combined with a water-related, water-enjoyment or a non water-oriented
792 use in a single building or on a single site in an integrated development proposal. Water
793 dependent uses must comprise a significant portion of the floor area or site area in a shoreline
794 mixed use development.

King County Shoreline Regulations

795 SECTION 25. K.C.C. 25.04.050, as amended by this ordinance, is hereby recodified as a
796 new section in the new chapter established in section 16 of this ordinance.

797 SECTION 26. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050 are each
798 hereby amended to read as follows:

799 ~~((A. When provisions of this chapter conflict with the sensitive areas code, K.C.C. Chapter
800 21A.54, that which provides more protection to the sensitive area shall apply.~~

801 ~~B. King County shall issue no permit prior to approval pursuant to this title and shall take
802 no action contrary to the)) The goals, policies, ~~((objectives))~~ and regulations of the King County
803 shoreline ~~((management))~~ master program must be met prior to issuing any permits or approvals
804 on land within the shoreline jurisdiction ~~((when property under the jurisdiction of the Shoreline
805 Management Act is involved in a request for a decision in any of the following programs:~~~~

- 806 1. ~~Building permit;~~
- 807 2. ~~Right of way construction permit;~~
- 808 3. ~~Short subdivision;~~
- 809 4. ~~Grading permit;~~
- 810 5. ~~Site plan approval;~~
- 811 6. ~~Access permit;~~
- 812 7. ~~Trail permit;~~
- 813 8. ~~State flood control zone permit;~~
- 814 9. ~~Zoning variance;~~
- 815 10. ~~Conditional use permit;~~
- 816 11. ~~Comprehensive plan amendment or addition;~~
- 817 12. ~~Zone reclassification;~~

King County Shoreline Regulations

- 818 ~~13. Special use permit;~~
- 819 ~~14. Urban planned development approval;~~
- 820 ~~15. Subdivision approval.~~
- 821 ~~16. Mobile home park permit;~~
- 822 ~~17. Mobile home permit; and~~
- 823 ~~18. Recreational vehicle park permit;~~
- 824 ~~19. Commercial site development permit)).~~

825 SECTION 27. K.C.C. 25.12.030, as amended by this ordinance, is hereby recodified as a
826 new section in the new chapter established in section 16 of this ordinance.

827 SECTION 28. Ordinance 3688, Section 303, and K.C.C. 25.12.030 are each hereby
828 amended to read as follows:

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

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

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

838 ~~C. In shoreline areas where severe biophysical constraints such as flood plains, steep~~
839 ~~slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire associated~~
840 ~~wetland, proposed development in the remaining area may be permitted consistent with the~~

King County Shoreline Regulations

841 ~~character of the surrounding land use, the physical capabilities of the associated wetland and~~
842 ~~applicable county land use plans and policies))~~ (1) All water areas of the state, as defined in
843 RCW 90.58.030, including reservoirs and associated wetlands, together with the lands
844 underlying them, except for:

845 a. Lakes smaller than twenty acres and their associated wetlands; and

846 b. Segments of rivers and streams and their associated wetlands where the mean
847 annual flow is less than twenty cubic feet per second; and

848 2. The shorelands that extend landward in all directions as measured on a horizontal
849 plane for two hundred feet from the ordinary high water mark of the waterbodies identified in
850 subsection A.1 of this section, the one hundred year floodplain and contiguous floodplain areas
851 landward two hundred feet from the one-hundred year floodplain; and all wetlands and river
852 deltas associated with the streams, lakes and tidal waters that are subject to the provisions of
853 RCW 90.58.

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

858 C. The King County shoreline jurisdiction is shown on a map adopted in chapter five of
859 the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria
860 established in subsection A of this section, the criteria shall constitute the official King County
861 shoreline jurisdiction.

862 SECTION 29. K.C.C. 25.12.020, as amended by this ordinance, is hereby recodified as a
863 new section in the new chapter established in section 16 of this ordinance.

King County Shoreline Regulations

864 SECTION 30. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each hereby
865 amended to read as follows:

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

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

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

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

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

873 5. Resource shoreline;

874 6. Forestry shoreline;

875 7. Natural shoreline; and

876 8. Aquatic.

877 B. The shoreline environment designations are included on a map contained within
878 chapter five of the King County Comprehensive Plan. If there is a discrepancy between the map
879 and the criteria established in chapter five of the King County Comprehensive Plan for shoreline
880 environment designations, the criteria shall constitute the official King County shoreline
881 environment designation. Any parcel of land included within the shoreline jurisdiction without a
882 shoreline environment designation shall be considered within the Conservancy environment.

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

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

King County Shoreline Regulations

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

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

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

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

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

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

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

903 SECTION 31. K.C.C. 25.12.050, as amended by this ordinance, is hereby recodified as a
904 new section in the new chapter established in section 16 of this ordinance.

905 SECTION 32. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each hereby
906 amended to read as follows:

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

King County Shoreline Regulations

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

911 ~~€.)~~ Where different environment(~~at~~) designations have been given to a tributary and
912 the main stream at the point of confluence, the environment(~~at~~) designation given to the main
913 stream shall extend for a distance of two hundred feet up the tributary.

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

917 NEW SECTION. SECTION 33. There is hereby added a new section in the new chapter
918 established in section 16 of this ordinance to read as follows:

919 A. Shoreline use is an activity that is allowed within a specific shoreline environment. A
920 shoreline use is allowed on a site only if the underlying zoning allows that use on that site.
921 Shoreline uses are identified in section 35 of this ordinance.

922 B. Shoreline modification is construction of a physical element such as a bulkhead,
923 groin, berm, jetty, breakwater, dredging, filling, vegetation removal or alteration, or application
924 of chemicals that changes the natural or existing shoreline conditions. Shoreline modifications
925 are identified in section 44 of this ordinance.

926 C. King County shall ensure that uses and modifications within the shoreline jurisdiction
927 do not cause a net loss of shoreline ecological functions and processes.

928 NEW SECTION. SECTION 34. There is hereby added a new section in the new chapter
929 established in section 16 of this ordinance to read as follows:

930 The shoreline use table in section 35 of this ordinance determines whether a specific use
931 is allowed within each of the shoreline environments. The shoreline environment is located on

King County Shoreline Regulations

932 the vertical column and the specific use is located on the horizontal row of the table. The
933 specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses
934 are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:

935 A. If the cell is blank in the box at the intersection of the column and the row, the use is
936 not allowed in that shoreline environment.

937 B. If the letter "P" appears in the box at the intersection of the column and the row, the
938 use may be allowed within the shoreline environment only if the underlying zoning allows the
939 use.

940 C. If the letter "C" appears in the box at the intersection of the column and the row, the
941 use may be allowed within the shoreline environment subject to the shoreline conditional use
942 review procedures specified in section 120 of this ordinance, and only if the underlying zoning
943 allows the use.

944 D. If the letters "NP" appears in the box at the intersection of the column and the row,
945 the use may not be allowed within the shoreline environment, even as a shoreline conditional use
946 or with a shoreline variance.

947 E. If a number appears in the box at the intersection of the column and the row, the use
948 may be allowed subject to the appropriate review process in this section, the specific
949 development conditions indicated with the corresponding number immediately following the
950 table are satisfied, and only if the underlying zoning allows the use. If more than one number
951 appears at the intersection of the column and row, both numbers apply.

952 F. If more than one letter-number combination appears in the box at the intersection of
953 the column and the row, the use is allowed within that shoreline environment subject to different
954 sets of limitations or conditions depending on the review process indicated by the letter, the

King County Shoreline Regulations

955 specific development conditions indicated in the development condition with the corresponding
956 number immediately following the table, and only if the underlying zoning allows the use.

957 NEW SECTION. SECTION 35. There is hereby added a new section in the new chapter
958 established in section 16 of this ordinance to read as follows:

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

966 **Shoreline uses.**

King County Shoreline Regulations

KEY	H	R	R	C	R	F	N	A
P - Permitted Use	I	E	U	O	E	O	A	Q
C – Shoreline Conditional Use	G	S	R	N	S	R	T	U
NP – Not Permitted	H	I	A	S	O	E	U	A
Shoreline uses are allowed only if the underlying zoning allows the use.		D	L	E	U	S	R	T
	I	E		R	R	T	A	I
	N	N		V	C	R	L	C
	T	T		A	E	Y		
	E	I		N				
	N	A		C				
S	L		Y					
I								
T								
Y								
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture								
Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3	NP			NP	C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5				NP	

King County Shoreline Regulations

Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)	P6						NP	
Retail (K.C.C. 21A.08.070)	P7	P8					NP	
Government Services								
Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12			NP			NP	
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13	NP	C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14

King County Shoreline Regulations

In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17	NP	C17
Recreational Development								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	NP
Townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P		NP	NP
Group residences (K.C.C. 21A.08.030)	P23	P					NP	NP
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	NP
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27		NP	NP
Transportation and parking								

King County Shoreline Regulations

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

967 B. Development conditions:

968 1. Only low intensity agriculture is allowed in the Natural environment and must assure
969 there is no net loss of ecological functions.

970 2.a. The supporting infrastructure for aquaculture may be located landward of the
971 aquaculture operation, subject to the limitations of K.C.C. Title 21A.

972 b. The aquaculture operation must meet the standards in section 36 of this ordinance.

973 c. In the shoreline residential designation, proposals containing net pen facilities shall
974 be located no closer than one thousand five hundred feet from the ordinary high water mark of
975 this environment, unless the department allows a specific lesser distance that it determines is
976 appropriate based upon a visual impact analysis. Other types of floating culture facilities may be

King County Shoreline Regulations

977 located within one thousand five hundred feet of the ordinary high water mark if supported by a
978 visual impact analysis.

979 d. In the rural shoreline designation, proposals containing net pen facilities shall be
980 located no closer than one thousand five hundred feet from the ordinary high water mark of this
981 environment, unless the department allows a specific lesser distance that it determines is
982 appropriate based upon a visual impact analysis.

983 e. In the natural shoreline environment, limited to aquaculture activities that do not
984 require structures, facilities or mechanized harvest practices and that will not result in the
985 alteration of natural systems or features.

986 3. Marinas must meet the standards in section 37 of this ordinance.

987 4. General services land uses in K.C.C. 21A.08.050 are nonwater-oriented uses and are
988 only allowed in the High Intensity environment on sites that are not contiguous with the ordinary
989 high water mark or on sites that do not have an easement that provides direct access to the water.

990 5. General services land uses in K.C.C. 21A.08.050 are nonwater-oriented uses and
991 may only be allowed in the Residential environment and Rural environment as part of a shoreline
992 mixed-use development that includes water dependent uses or that help achieve one or more of
993 the following shoreline element goals:

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

995 b. public access;

996 c. water-oriented recreation;

997 d. multimodal transportation circulation;

998 e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; or

999 f. preservation of historic properties;

King County Shoreline Regulations

1000 6. Only water-related business services uses are allowed as part of a shoreline mixed-
1001 use development and only if they support a water dependent use. The water-related business
1002 services uses must comprise less than half of the square footage of the structures or the portion of
1003 the site within the shoreline jurisdiction.

1004 7. Retail uses are only allowed in the High Intensity environment as part of a shoreline
1005 mixed-use development and the retail use supports the water-dependent use. The non-water-
1006 dependent retail use must comprise less than half of the square footage of the structures or the
1007 portion of the site within the shoreline jurisdiction.

1008 8. Retail uses in K.C.C. 21A.08.050 are generally nonwater-oriented uses and may be
1009 allowed in the Residential environment to help achieve any of the following shoreline element
1010 goals:

- 1011 a. economic development for uses that are water-dependent;
- 1012 b. public access;
- 1013 c. water-oriented recreation;
- 1014 d. multimodal transportation circulation;
- 1015 e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; or
- 1016 f. preservation of historic properties.

1017 9. Only the water-dependent portion of a utility facility or private stormwater
1018 management facility is permitted. Only low-intensity government services are allowed in the
1019 Natural environment.

1020 10. The following standards apply to government services uses within the Aquatic
1021 environment:

King County Shoreline Regulations

1022 a. Stormwater and sewage outfalls within the Maury Island Aquatic Reserve are not
1023 allowed. Stormwater and sewage outfall may be allowed along the area from Piner Point to
1024 Point Robinson on Maury Island and within other Aquatic environments if upland treatment and
1025 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on eelgrass,
1026 herring holding area, salmon migratory habitat and the nearshore zone;

1027 b. Water intakes shall not be located near fish spawning, migratory, or rearing areas.
1028 Water intakes must adhere to Washington Department Fish and Wildlife fish screening criteria,
1029 and to the maximum extent practical, intakes should be placed at least thirty feet below the
1030 ordinary high water mark;

1031 c. Desalinization facilities shall not be located near fish spawning, migratory, or
1032 rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high
1033 water mark and must adhere to Washington Department Fish and Wildlife fish screening criteria.
1034 Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island
1035 Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may
1036 be considered if there is no impact on eelgrass, herring holding area, salmon migratory habitat
1037 and the nearshore zone;

1038 d. Cable crossings for telecommunications and power lines shall:

1039 (1) be routed around or drilled below aquatic critical habitat or species;

1040 (2) be installed in sites free of vegetation, as determined by physical or video seabed
1041 survey;

1042 (3) be buried, preferably using directional drilling, from the uplands to waterward of
1043 the deepest documented occurrence of native aquatic vegetation; and

1044 (4) use the best available technology;

King County Shoreline Regulations

1045 e. Oil, gas, water, and other pipelines shall meet the same standards as cable crossings
1046 and in addition:

1047 (1) pipelines must be directionally drilled to depths of seventy feet or one half mile
1048 from the ordinary high water mark; and

1049 (2) use the best available technology for operation and maintenance;

1050 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the
1051 Aquatic environment adjacent to the Conservancy and Natural shorelines.

1052 11. Only low intensity forestry is allowed in the Natural environment and all forestry
1053 must meet the standards in section 39 of this ordinance.

1054 12. Manufacturing uses in the shoreline environment must give preference first to
1055 water-dependent manufacturing uses and second to water-related manufacturing uses:

1056 a. Nonwater-oriented manufacturing uses are allowed only:

1057 (1) as part of a shoreline mixed-use development that includes a water-dependent use
1058 provided the water-dependent use comprises over fifty percent of the floor area or portion of the
1059 site within the shoreline jurisdiction; or

1060 (2) on sites where navigability is severely limited; or

1061 (3) on sites that are not contiguous with the ordinary high water mark or on sites that
1062 do not have an easement that provides direct access to the water; and

1063 (4) all non-water oriented manufacturing uses must also provide a significant public
1064 benefit, such as ecological restoration, environmental clean-up, historic preservation or water-
1065 dependent public education;

1066 b. public access is required for all manufacturing uses unless it would result in a
1067 public safety risk or is incompatible with the use;

King County Shoreline Regulations

1068 c. restoration is required for all new manufacturing uses;

1069 d. boat repair facilities are not permitted within the Maury Island Aquatic Reserve,

1070 except as follows:

1071 (1) engine repair or maintenance conducted within the engine space without vessel

1072 haul-out;

1073 (2) topside cleaning, detailing and bright work;

1074 (3) electronics servicing and maintenance;

1075 (4) marine sanitation device servicing and maintenance that does not require haul-

1076 out;

1077 (5) vessel rigging; and

1078 (6) minor repairs or modifications to the vessel's superstructure and hull above the

1079 waterline (~~which~~) that do not exceed twenty-five percent of the vessel's surface area above the

1080 waterline.

1081 13. The water-dependent in-stream portion of a hydroelectric generation facility,
1082 wastewater treatment facility, and municipal water production are allowed, including the upland
1083 supporting infrastructure.

1084 14. New in-stream portions of utility facilities may be located within the shoreline
1085 jurisdiction if there is no feasible alternate location and must comply with the standards in
1086 section 59 of this ordinance.

1087 15. Limited to in-stream infrastructure, such as bridges, and must consider the priorities
1088 of the King County Shoreline Protection and Restoration Plan when designing in-stream
1089 transportation facilities.

1090 16. Limited to hatchery and fish preserves.

King County Shoreline Regulations

- 1091 17. Mineral uses must meet the standards in K.C.C. 21A.24.280.
- 1092 18. Only water-dependent recreational uses are allowed, except for public parks and
1093 trails, in the High Intensity environment and must meet the standards in section 40 for public
1094 access and section 42 for recreation.
- 1095 19. Water-dependent and water-enjoyment recreational uses are allowed in the
1096 Residential, Rural and Forestry environments and must meet the standards in section 40 for
1097 public access and section 42 for recreation.
- 1098 20. In the Conservancy environment, only the following recreation uses are allowed and
1099 must meet the standards in section 40 for public access and 42 for recreation:
- 1100 a. parks; and
1101 b. trails.
- 1102 21. In the Natural environment, only passive and low-impact recreational uses are
1103 allowed.
- 1104 22. Single detached dwelling units must be located outside of the aquatic area buffer
1105 and set back from the ordinary high water mark to the maximum extent practical.
- 1106 23. Only allowed as part of a water-dependent shoreline mixed-use development where
1107 water-dependent uses comprise more than half of the square footage of the structures on the
1108 portion of the site within the shoreline jurisdiction.
- 1109 24. Residential accessory uses must meet the following standards:
- 1110 a. docks, piers, moorage, buoys, floats or launching facilities must meet the standards
1111 in section 48 of this ordinance;
- 1112 b. residential accessory structures located within the aquatic area buffer shall be
1113 limited to a total footprint of one-hundred fifty square feet; and

King County Shoreline Regulations

1114 c. accessory structures shall be sited to preserve visual access to the shoreline to the
1115 maximum extent practical.

1116 25. New highway and street construction is allowed only if there is no feasible alternate
1117 location. Only low-intensity transportation infrastructure is allowed in the Natural environment.

1118 26. Utility facilities are subject to the standards in section 59 of this ordinance.

1119 27. Only bed and breakfast guesthouses.

1120 NEW SECTION. SECTION 36. There is hereby added a new section in the new chapter
1121 established in section 16 of this ordinance to read as follows:

1122 An applicant for an aquaculture facility must use the sequential measures for avoiding
1123 impacts to critical areas and critical areas buffers contained in K.C.C. 21A.24.125. The
1124 following standards apply to aquaculture:

1125 A. Unless the applicant demonstrates that the substrate modification will result in an
1126 increase in habitat diversity, aquaculture that involves little or no substrate modification shall be
1127 given preference over aquaculture that involves substantial substrate modification and the degree
1128 of proposed substrate modification shall be limited to the maximum extent practical.

1129 B. The installation of submerged structures, intertidal structures, and floating structures
1130 shall be limited to the maximum extent practical.

1131 C. Aquaculture proposals that involve substantial substrate modification or sedimentation
1132 through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms,
1133 shall not be permitted in areas where the proposal would adversely impact existing kelp beds or
1134 other macroalgae, eelgrass beds or critical saltwater habitats.

King County Shoreline Regulations

1135 D. Aquaculture activities that after implementation of mitigation measures would have a
1136 significant adverse impact on natural, dynamic shoreline processes or that would result in a net
1137 loss of shoreline ecological functions, shall be prohibited.

1138 E. Aquaculture should not be located in areas that will result in significant conflicts with
1139 navigation or other water-dependent uses.

1140 F. Aquaculture facilities shall be designed, located and managed to prevent the spread of
1141 diseases to native aquatic life or the spread of new nonnative species.

1142 G. Aquaculture practices shall be designed to minimize use of artificial chemical
1143 substances and shall use chemical compounds that are least persistent and have the least impact
1144 on plants and animals. Herbicides and pesticides shall be used only in conformance with state
1145 and federal standard and to the minimum extent needed for the health of the aquaculture activity.

1146 H. Commercial salmon net pen facilities shall not be located in King County waters.
1147 These do not include subsistence salmon net pen facilities operated by tribes with treaty fishing
1148 rights or the limited penned cultivation of wild salmon stocks during a limited portion of their
1149 lifecycle to enhance restoration of native stocks or when implemented as mitigation for a
1150 development activity, but only when such activities involve minimal supplemental feeding and
1151 limited use of chemicals or antibiotics as provided in subsection G of this section.

1152 I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and
1153 for all experimental aquaculture activities, unless otherwise provided for, the department may
1154 require baseline and periodic operational monitoring by a county-approved consultant, at the
1155 applicant's expense, and shall continue until adequate information is available to determine the
1156 success of the project and the magnitude of any probable significant adverse environmental
1157 impacts. Permits for such activities shall include specific performance measures and provisions

King County Shoreline Regulations

1158 for adjustment or termination of the project at any time if monitoring indicates significant,
1159 adverse environmental impacts that cannot be adequately mitigated.

1160 J. Aquaculture developments approved on an experimental basis shall not exceed five
1161 acres in area, except land-based projects and anchorage for floating systems, and three years in
1162 duration. The department may issue a new permit to continue an experimental project as many
1163 times as it determines is necessary and appropriate.

1164 K. The department may require aquaculture operations to carry liability insurance in an
1165 amount commensurate with the risk of injury or damage to any person or property as a result of
1166 the project. Insurance requirements shall not be required to duplicate requirements of other
1167 agencies.

1168 L. If aquaculture activities are authorized to use public facilities, such as boat launches or
1169 docks, King County may require the applicant to pay a portion of the cost of maintenance and
1170 any required improvements commensurate with the use of those facilities.

1171 M. New aquatic species that are not previously cultivated in Washington State shall not
1172 be introduced into King County saltwaters or freshwaters without prior written approval of the
1173 Director of the Washington state Department of Fish and Wildlife and the Director of the
1174 Washington Department of Health. This prohibition does not apply to Pacific, Olympia,
1175 Kumomoto, Belon or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

1176 N. Unless otherwise provided in the shoreline permit issued by the department, repeated
1177 introduction of an approved organism in the same location shall require approval by the county
1178 only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this
1179 section, shall mean the placing of any aquatic organism in any area within the waters of King

King County Shoreline Regulations

1180 County regardless of whether it is a native or resident organism within the county and regardless
1181 of whether it is being transferred from within or without the waters of King County.

1182 O. For aquaculture projects, over-water structures shall be allowed only if necessary for
1183 the immediate and regular operation of the facility. Over-water structures shall be limited to the,
1184 storage of necessary tools and apparatus in containers of not more than three feet in height, as
1185 measured from the surface of the raft or dock.

1186 P. Except for the sorting or culling of the cultured organism after harvest and the
1187 washing or removal of surface materials or organisms prior to or after harvest, no processing of
1188 any aquaculture product shall occur in or over the water unless specifically approved by permit.
1189 All other processing and processing facilities shall be located landward of the ordinary high
1190 water mark.

1191 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance
1192 with all applicable governmental waste disposal standards, including but not limited to the
1193 Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act,
1194 RCW Chapter 90.48. No garbage, wastes or debris shall be allowed to accumulate at the site of
1195 any aquaculture operation.

1196 R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish
1197 and Wildlife Service, predator control shall not involve the killing or harassment of birds or
1198 mammals. Approved controls include, but are not limited to, double netting for seals, overhead
1199 netting for birds, and three-foot high fencing or netting for otters. The use of other non-lethal,
1200 non-abusive predator control measures shall be contingent upon receipt of written approval from
1201 the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

King County Shoreline Regulations

1202 S. Fish net pens and rafts shall meet the following criteria in addition to the other
1203 applicable regulations of this section:

1204 1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent with the
1205 recommendations in the Washington Department of Natural Resources Maury Island
1206 Environmental Aquatic Reserve Final Management Plan (October 29, 2004);

1207 2. Fish net pens shall meet, at a minimum, state approved administrative guidelines for
1208 the management of net pen cultures. In the event there is a conflict in requirements, the more
1209 restrictive requirement shall prevail;

1210 3. Fish net pens shall not occupy more than two surface acres of water area, excluding
1211 booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as
1212 helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

1213 4. Aquaculture proposals that include new or added net pens or rafts shall not be
1214 located closer than one nautical mile to any other aquaculture facility that includes net pens or
1215 rafts. The department may authorize a lesser distance if the applicant demonstrates to the
1216 satisfaction of the department that the proposal will be consistent with the environmental and
1217 aesthetic policies and objectives of this chapter and the Shoreline Master Program. The applicant
1218 shall demonstrate to the satisfaction of the department that the cumulative impacts of existing
1219 and proposed operations would not be contrary to the policies and regulations of this Program;

1220 5. Net cleaning activities shall be conducted on a frequent enough basis so as not to
1221 violate state water quality standards. When feasible, the cleaning of nets and other apparatus
1222 shall be accomplished by air drying, spray washing, or hand washing; and

1223 6. In the event of a significant fish kill at the site of a net pen facility, the fin fish
1224 aquaculture operator shall submit a timely report to Public Health - Seattle-King County,

King County Shoreline Regulations

1225 Environmental Health Division and the department stating the cause of death and shall detail
1226 remedial actions to be implemented to prevent reoccurrence.

1227 T. All floating and submerged aquaculture structures and facilities in navigable waters
1228 shall be marked in accordance with U.S. Coast Guard requirements.

1229 U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas
1230 shall be addressed through direct coordination between the applicant and the affected tribes
1231 through the permit review process.

1232 V. Aquaculture structures and equipment shall be of sound construction and shall be so
1233 maintained. Abandoned or unsafe structures and equipment shall be removed or repaired
1234 promptly by the owner. Where any structure might constitute a potential hazard to the public in
1235 the future, the department shall require the posting of a bond commensurate with the cost of
1236 removal or repair. The department may abate an abandoned or unsafe structure pursuant to the
1237 provisions of K.C.C. Title 23.

1238 NEW SECTION. SECTION 37. There is hereby added a new section in the new chapter
1239 established in section 16 of this ordinance to read as follows:

1240 Public boat launching facilities and marinas must meet the following standards:

1241 A. The traffic generated the facility must be safely and conveniently handled by the
1242 streets serving the proposed facility;

1243 B. The facility must provide adequate parking in accordance with K.C.C. chapter
1244 21A.18;

1245 C. No live-aboards are allowed;

1246 D. The marina must be sited to protect the rights of navigation;

1247 E. The marina must be equipped with pumpout facilities;

King County Shoreline Regulations

1248 F. The marina must have provisions available for cleanup of accidental spills of
1249 contaminants;

1250 G. Marinas and boat ramps must be located where their development will not interrupt
1251 littoral currents, at the ends of drift cells and away from erosional pocket beaches; and

1252 H. Lighting shall be maintained to avoid creating shading for aquatic predator species
1253 and other impacts to upland wildlife.

1254 SECTION 38. K.C.C. 25.20.060, as amended by this ordinance, is hereby recodified as a
1255 new section in the new chapter established in section 16 of this ordinance.

1256 SECTION 39. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060, are
1257 each hereby amended to read as follows:

1258 ~~((Forest practices may be permitted in the rural environment provided:))~~ A. Forest
1259 practices ~~((see chapter 76.09 RCW) within shorelines require a shoreline conditional use permit
1260 when occurring outside of the lands classified F in the King County zoning code. Forest practices
1261 within shorelines on lands classified F in the King County zoning code shall require a shoreline
1262 conditional use permit when))~~ within shorelines of statewide significance ~~((are involved or the
1263 forest practices would potentially impact))~~ shall meet the following conditions:

1264 1. ~~((Geological hazards which could damage public resources;~~

1265 2. ~~State threatened or endangered species;~~

1266 3. ~~Critical wildlife habitat;~~

1267 4. ~~Streams which could create instability of the drainage or affect temperature or
1268 sediment delivery to other streams resulting in damage to public resources;~~

1269 5. ~~Identified critical areas of watersheds supplying fish hatcheries, artificial rearing areas,
1270 domestic or municipal water systems;~~

King County Shoreline Regulations

1271 6. ~~Areas having archeological or cultural significance;~~
1272 7. ~~Areas with a high potential of soil erosion.))~~ Only selective commercial timber harvest
1273 is allowed, except other timber harvesting methods may be permitted where the topography, soil
1274 conditions or silviculture practices necessary for forest regeneration render selective commercial
1275 timber harvests ecologically detrimental;
1276 2. No more than thirty percent of the merchantable trees may be harvested in any ten
1277 year period of time; and
1278 3. Clear cutting of timber that is necessary for the preparation of land for other uses
1279 authorized by the King County shoreline master program may be permitted so long as limited to
1280 the maximum extent practical.
1281 B. ~~((Buffers. On all forest practices requiring a shoreline conditional use permit, a~~
1282 ~~minimum buffer of 100 feet from either the ordinary high water mark or the edge of the FEMA~~
1283 ~~floodway, whichever is greater, shall be established. The buffer shall be extended as necessary~~
1284 ~~pursuant to the sensitive areas code to protect critical fish habitat for spawning or rearing; to~~
1285 ~~alleviate surface water runoff problems; to protect habitat for endangered, threatened, sensitive~~
1286 ~~or monitor species listed by the federal government or the state of Washington; to control erosion~~
1287 ~~hazards or for other reasons set out in K.C.C. chapter 21A.24. Along shorelines outside of lands~~
1288 ~~classified F, there shall be no harvest of timber within the buffer except for necessary roads and~~
1289 ~~crossings. Along shorelines within the lands classified F where a conditional use permit is~~
1290 ~~required, timber harvest within the buffer is permitted so long as the functions of the buffer are~~
1291 ~~not damaged and the applicant submits a harvest plan for review and approval.))~~ Forest practices
1292 in the Natural environment must be of low intensity are only for the purpose of enhancing forest
1293 health.

King County Shoreline Regulations

1294 C. ~~((All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be kept~~
1295 ~~clear of obstructions. The minimum size for culverts shall be fifteen inches in diameter.~~

1296 D. ~~Culverts installed in streams used by fish shall meet all requirements set by the state~~
1297 ~~Department of Fish and Wildlife and K.C.C. chapter 9.04.~~

1298 E. ~~Roads and landings shall not be constructed within shoreline areas~~
1299 ~~except when necessary to:~~

1300 1. ~~Cross streams;~~

1301 2. ~~Avoid road construction on unstable soils or on steep slopes when such construction~~
1302 ~~would be more harmful than a shoreline location;~~

1303 3. ~~Perform water course improvement work only after approval of the state Department~~
1304 ~~of Fish and Wildlife.~~

1305 F. ~~Roads shall minimize cut and fill.~~

1306 G. ~~Where roadside material is potentially unstable or erodible, it shall be stabilized by~~
1307 ~~use of seeding, compacting, riprapping, benching or other suitable means.~~

1308 H. ~~Cut slopes shall not exceed:~~

1309 ~~(X to Y) 1/4 to 1 in rock~~

1310 ~~3/4 to 1 in stable soils~~

1311 ~~1 1/2 to 1 in unstable soils~~

1312 I. ~~Side cast and embankment fill slopes shall not exceed:~~

1313 ~~(X to Y) 1 1/3 to 1 in broken rock and stable soils~~

1314 ~~1 1/2 to 1 in unstable soils~~

1315 J. ~~Running surface widths should be kept to a minimum, with not more than twenty six~~
1316 ~~feet for two lane roads and not more than fourteen feet for single lane roads.~~

King County Shoreline Regulations

- 1317 ~~K. Embankment fills shall:~~
- 1318 ~~1. Be constructed and compacted in layers no more than two feet thick;~~
- 1319 ~~2. Consist of inorganic material with no buried slash or debris beneath the running~~
- 1320 ~~surface;~~
- 1321 ~~3. Not encroach upon a one hundred-year floodplain so as to reduce its storage capacity~~
- 1322 ~~or disturb riparian vegetation.~~
- 1323 ~~L. Where side cast would encroach upon a one hundred-year floodplain, end haul~~
- 1324 ~~construction is required.~~
- 1325 ~~M. Waterway crossings shall be constructed with minimum disturbance to banks and~~
- 1326 ~~existing channels.~~
- 1327 ~~N. Any soil or debris accidentally placed in the channel during bridge construction shall~~
- 1328 ~~be removed by approved methods. All exposed soils shall be stabilized.~~
- 1329 ~~O. All bridges shall be high enough to pass all anticipated debris and high water flows.~~
- 1330 ~~P. Where aggregate earthen materials are used for paving or accumulate on bridges,~~
- 1331 ~~sufficient curbs shall be installed to contain the surface material.~~
- 1332 ~~Q. Each stringer bridge shall have one secured end and one end free to swing.~~
- 1333 ~~R. When active use of a logging road is discontinued, it shall be left in such condition to~~
- 1334 ~~provide adequate drainage and soil stability.~~
- 1335 ~~S. Equipment used for transportation, storage or application of chemicals shall be~~
- 1336 ~~maintained in leakproof condition. If there is evidence of chemical leakage, the further use of~~
- 1337 ~~such equipment must be suspended until the deficiency has been satisfactorily corrected.~~
- 1338 ~~T. Materials treated with penta, creosote or other chemicals shall be dried~~
- 1339 ~~completely before use in any lake or stream))~~ Forest practices within shoreline environments

King County Shoreline Regulations

1340 must comply with the Forest Practices Rules in WAC 222 and the revised Forest Practices Board

1341 Manual except:

1342 1. The small forest landowner forestry riparian easement program established in chapter

1343 222-21 WAC does not apply within shorelines; and

1344 2. Roads crossing wetlands and aquatic areas within shorelines shall not exceed

1345 fourteen feet in width for single lane roads and twenty-six feet in width for two-lane roads, plus

1346 any additional width needed for curves or safety conditions.

1347 NEW SECTION. SECTION 40. There is hereby added a new section in the new chapter

1348 established in section 16 of this ordinance to read as follows:

1349 Public access, including pedestrian and bicycle pathways, shall be located in accordance

1350 with the shoreline public access plan and as follows:

1351 A. Except as otherwise provided in subsection B of this section, public access shall be

1352 required for attached residential developments, new subdivisions of more than four lots,

1353 developments for water-enjoyment, water-related, and nonwater-dependent uses, on publicly

1354 owned land, including, but not limited to land owned by public agencies and public utilities,

1355 marinas and as part of publicly financed shoreline stabilization projects, and shall:

1356 1. Connect to other public and private public access and recreation facilities on adjacent

1357 parcels to the maximum extent practical;

1358 2. Be sited to assure public safety is considered;

1359 3. Be open to the general public; and

1360 4. Assure there is no net loss of ecological functions.

1361 B. Public access is not required if the applicant demonstrates to the satisfaction of the

1362 department that public access would be incompatible with the proposed use because of safety or

King County Shoreline Regulations

1363 security issues, would result in adverse impacts to the shoreline environment that cannot be
1364 mitigated or there are constitutional or other legal limitations that preclude requiring public
1365 access.

1366 C. Public pedestrian and bicycle pathways and recreation areas constructed as part of a
1367 private development proposal should enhance access and enjoyment of the shoreline and provide
1368 features in scale with the development, such as:

- 1369 1. View points;
- 1370 2. Places to congregate in proportion to the scale of the development;
- 1371 3. Benches and picnic tables;
- 1372 4. Pathways; and
- 1373 5. Connections to other public and private public access and recreation facilities.

1374 D. Private access from single detached residences to the shoreline shall:

- 1375 1. Not exceed three feet in width;
- 1376 2. Avoid removal of significant trees and other woody vegetation to the maximum
1377 extent practical; and
- 1378 3. Avoid a location that is parallel to the shoreline to the maximum extent practical.

1379 SECTION 41. K.C.C. 25.16.200, as amended by this ordinance, is hereby recodified as a
1380 new section in the new chapter established in section 16 of this ordinance.

1381 SECTION 42. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each hereby
1382 amended to read as follows:

1383 Recreational development (~~((may be permitted in the urban environment subject to the~~
1384 ~~general requirements (Section 25.16.030) of this chapter, and provided))~~ must meet the following
1385 standards:

King County Shoreline Regulations

1386 A. The recreational development ~~((is))~~ must be permitted in the underlying zone~~((:))~~;

1387 B. Recreational uses in the Natural environment must be water-oriented;

1388 ~~((B))~~C. Swimming areas shall be separated from boat launch areas and marinas, to the
1389 maximum extent practical~~((:))~~;

1390 ~~((C))~~D. The development of underwater sites for sport diving shall not:

1391 1. Take place at depths of greater than eighty feet;

1392 2. Constitute a navigational hazard; and

1393 3. Be located in areas where the normal waterborne traffic would constitute a hazard to
1394 those people who may use such a site~~((:))~~;

1395 ~~((D))~~E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
1396 and launching facilities below the ordinary high water mark shall be governed by the regulations
1397 relating to docks, piers, ~~((and))~~ moorage, buoys, floats, or launching facility construction in ~~((the~~
1398 ~~commercial development))~~ section 48 ~~((Section 25.16.070))~~ of this ~~((chapter.))~~ ordinance;

1399 ~~((E))~~F. Public boat launching facilities or marinas ~~((may be developed, provided:~~

1400 1. ~~The traffic generated by such a facility can be safely and conveniently handled by the~~
1401 ~~streets serving the proposed facility;~~

1402 2. ~~The facility will not be located on a Class I beach.~~

1403 ~~F. Upland facilities constructed in conjunction with a recreational development shall be~~
1404 ~~setback and/or sited to avoid contamination of the shorelines of the state.~~

1405 ~~G. All service facilities within and associated with marinas shall have provisions to~~
1406 ~~prevent and control contaminants from entering the water. Provisions shall be available for~~
1407 ~~cleanup of accidental spills of contaminants.~~

King County Shoreline Regulations

1408 ~~H. Marina facilities shall be prohibited on Class I beaches or where their development~~
1409 ~~would interrupt littoral currents and starve Class I beaches.~~

1410 ~~I. Public pedestrian and bicycle pathways shall be permitted adjacent to water bodies.~~

1411 ~~J.) shall be governed by section 37 of this ordinance;~~

1412 G. Campgrounds in the Natural environment shall meet the following conditions:

1413 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be
1414 located outside of critical areas buffers;

1415 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

1416 3. Removal of vegetation shall be limited to the maximum extent practical;

1417 H. Public contact with unique and fragile areas shall be permitted where it is possible
1418 without destroying the natural character of the area((-);

1419 ~~((K-))~~ I. Water viewing, nature study, recording and viewing shall be accommodated by
1420 open space, platforms, benches or shelter, consistent with public safety and security; and

1421 J. Public recreation shall be provided on county-owned lands consistent with this chapter
1422 unless the director determines public recreation is not compatible with other uses on the site or will
1423 create a public safety risk.

1424 NEW SECTION. SECTION 43. There is hereby added a new section in the new chapter
1425 established in section 16 of this ordinance to read as follows:

1426 The shoreline modification table in section 44 of this ordinance determines whether a
1427 specific shoreline modification is allowed within each of the shoreline environments. The
1428 shoreline environment is located on the vertical column and the specific use is located on the
1429 horizontal row of the table. The specific modifications are grouped by the shoreline
1430 modification categories in WAC 173-26-231. The table should be interpreted as follows:

King County Shoreline Regulations

1431 A. If the cell is blank in the box at the intersection of the column and the row, the
1432 modification is not allowed in that shoreline environment.

1433 B. If the letter "P" appears in the box at the intersection of the column and the row, the
1434 modification may be allowed within the shoreline environment only if the underlying zoning
1435 allows the modification.

1436 C. If the letter "C" appears in the box at the intersection of the column and the row, the
1437 modification may be allowed within the shoreline environment subject to the shoreline
1438 conditional use review procedures specified in section 120 of this ordinance, and only if the
1439 underlying zoning allows the modification.

1440 D. If a number appears in the box at the intersection of the column and the row, the
1441 modification may be allowed subject to the appropriate review process indicated in this section,
1442 the specific development conditions indicated with the corresponding number immediately
1443 following the table, and only if the underlying zoning allows the modification. If more than one
1444 number appears at the intersection of the column and row, both numbers apply.

1445 E. If more than one letter-number combination appears in the box at the intersection of
1446 the column and the row, the modification is allowed within that shoreline environment subject to
1447 different sets of limitations or conditions depending on the review process indicated by the letter,
1448 the specific development conditions indicated in the development condition with the
1449 corresponding number immediately following the table, and only if the underlying zoning allows
1450 the modification.

1451 NEW SECTION. SECTION 44. There is hereby added a new section in the new chapter
1452 established in section 16 of this ordinance to read as follows:

King County Shoreline Regulations

1453 A. This section does not authorize a shoreline modification that is not allowed by the
 1454 underlying zoning, but may add additional restrictions or conditions or prohibit specific
 1455 modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline
 1456 jurisdiction must comply with all relevant county code provisions and with the King County
 1457 Shoreline Master Program.
 1458 **Shoreline modifications.**

KEY	H	R	R	C	R	F	N	A
P - Permitted Modification	I	E	U	O	E	O	A	Q
C – Shoreline Conditional Use	G	S	R	N	S	R	T	U
Required	H	I	A	S	O	E	U	A
		D	L	E	U	S	R	T
	I	E		R	R	T	A	I
Shoreline modifications are allowed	N	N		V	C	R	L	C
only if the underlying zoning allows	T	T		A	E	Y		
the modification.	E	I		N				
	N	A		C				
	S	L		Y				
	I							
	T							
	Y							
Shoreline stabilization								
Shoreline stabilization, not including	P1	P1	P1	C1	P1	C1		
flood protection facilities								
Flood protection facilities	P2	P2	P2	P2	P2			P2

King County Shoreline Regulations

Piers and docks								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3	C3	C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Beach and dunes management								
Not applicable in King County								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7

1459 B. Development conditions.

1460 1. New shoreline stabilization, including bulkheads, must meet the standards in section

1461 46 of this ordinance;

King County Shoreline Regulations

1462 2. Flood protection facilities must be consistent with the standards in K.C.C. chapter
1463 21A.24, the King County Flood Hazard Management Plan adopted January 16, 2007 and the
1464 Integrated Stream Protection Guidelines (Washington departments of Fish and Wildlife,
1465 Ecology, and Transportation, 2003).

1466 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the standards
1467 in section 48 of this ordinance;

1468 4. Filling must meet the standards in section 50 of this ordinance. A shoreline
1469 conditional use permit is required to:

1470 a. Place fill waterward of the ordinary high water mark for any use except ecological
1471 restoration or for the maintenance and repair of flood protection facilities; and

1472 b. Dispose of dredged material within shorelands or wetlands within a channel
1473 migration zone;

1474 5. Breakwaters, jetties, groins and weirs are only allowed where necessary to support
1475 water dependent uses, public access, approved shoreline stabilization, or other public uses, as
1476 determined by the director. Groins are only allowed as part of a restoration project sponsored or
1477 cosponsored by a public agency that has natural resource management as a primary function.
1478 The mitigation sequencing of shoreline policy S-613 must be followed prior to approval of a
1479 breakwater, jetty, groin or weir. A condition shoreline use permit is required, except for
1480 structures installed to protect or restore shoreline ecological conditions;

1481 6. Excavation, dredging and filling must meet the standards in section 50 of this
1482 ordinance. A shoreline conditional use permit is required to dispose of dredged material within
1483 shorelands or wetlands within a channel migration zone

King County Shoreline Regulations

1484 7. If the department determines the primary purpose is restoration of the natural
1485 character and ecological functions of the shoreline, a shoreline habitat and natural systems
1486 enhancement project may include shoreline modification of vegetation, removal of non-native or
1487 invasive plants, shoreline stabilization, including the installation of large woody debris, dredging
1488 and filling. Mitigation actions identified through biological assessments required by the National
1489 Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline
1490 modifications of vegetation, removal of non-native or invasive plants, shoreline stabilization,
1491 including the installation of large woody debris, dredging and filling.

1492 SECTION 45. K.C.C. 25.16.180, as amended by this ordinance, is hereby recodified as a
1493 new section in the new chapter established in section 16 of this ordinance.

1494 SECTION 46. Ordinance 3688, Section 413, as amended, and K.C.C. 25.16.180, are
1495 each hereby amended to read as follows:

1496 A. Shoreline stabilization shall not be considered an outright use and shall be permitted
1497 only when the department determines that shoreline protection is necessary for the protection of
1498 existing legally established primary structures, new or existing non-water-dependent development,
1499 new or existing water-dependent development or projects restoring ecological functions or
1500 remediating hazardous substance discharges. Vegetation, berms, bioengineering techniques and
1501 other non-structural alternatives that preserve the natural character of the shore shall be preferred
1502 over riprap, concrete revetments, bulkheads, breakwaters and other structural stabilization. Riprap
1503 using rock or other natural materials shall be preferred over concrete revetments, bulkheads,
1504 breakwaters and other structural stabilization. Lesser impacting measures should be used before
1505 more impacting measures.

King County Shoreline Regulations

1506 B. Structural shoreline (~~(protection)~~) stabilization may be permitted (~~(in the urban~~
1507 ~~environment, provided)~~) subject to the standards in this chapter and as follows:

1508 1. The applicant provides a geotechnical analysis that demonstrates that erosion from
1509 waves or currents is imminently threatening or that, unless the structural shoreline stabilization is
1510 constructed, damage is expected to occur within three years;

1511 2. The erosion is not caused by upland conditions;

1512 3. The proposed structural shoreline protection will provide greater protection than
1513 feasible, non structural alternatives such as slope drainage systems, vegetative growth stabilization,
1514 gravel berms and beach nourishment;

1515 4. The proposal is the minimum necessary to protect existing legally established primary
1516 structures, new or existing non-water-dependent development, new or existing water-dependent
1517 development or projects restoring ecological functions or remediating hazardous substance
1518 discharges; and

1519 5. Adequate mitigation measures will be provided to maintain existing shoreline
1520 processes and critical fish and wildlife habitat and ensure no net loss or function of intertidal or
1521 riparian habitat.

1522 ~~((A-))~~ C. Shoreline (~~(protection)~~) stabilization to replace existing shoreline (~~(protection)~~)
1523 stabilization shall be placed (~~(along the same alignment as the shoreline protection it is replacing,)~~)
1524 landward of the existing shoreline stabilization, but may be placed waterward directly abutting the
1525 old structure only in cases where removal of the old structure would result in (~~(construction~~
1526 ~~problems)) greater impact on ecological functions. In critical saltwater habitats, existing shoreline~~
1527 stabilization shall not be allowed to remain in place if the existing shoreline stabilization is
1528 resulting in the loss of ecological functions. Adequate mitigation measures that maintain existing

King County Shoreline Regulations

1529 shoreline processes and critical fish and wildlife habitat must be provided that ensures no net loss
1530 or function of intertidal or riparian habitat((;)).

1531 ~~((B. On lots where the abutting lots on both sides have legally established bulkheads, a~~
1532 ~~bulkhead may be installed no further waterward than the bulkheads on the abutting lots, provided~~
1533 ~~that the horizontal distance between existing bulkheads on adjoining lots does not exceed~~
1534 ~~one hundred feet. The manager may, upon review, permit a bulkhead to connect two directly~~
1535 ~~adjoining bulkheads, for a distance up to one hundred fifty feet. In making such a determination~~
1536 ~~the manager shall consider the amount of inter-tidal land/or water bottom to be covered, the~~
1537 ~~existence of fish or shellfish resources thereon, and whether the proposed use or structure could be~~
1538 ~~accommodated by other configurations of bulkhead which would result in less loss of shoreland,~~
1539 ~~tideland, or water bottom;~~

1540 ~~C. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3) (e) (iii)~~
1541 ~~exemption from the shoreline permit requirements and to insure that such bulkheads will be~~
1542 ~~consistent with this program as required by RCW 90.58.141(1), the Building and Land~~
1543 ~~Development Division shall review the proposed design as it relates to local physical conditions~~
1544 ~~and the King County shoreline master program and must find that:~~

1545 ~~1. Erosion from waves or currents is imminently threatening a legally established~~
1546 ~~residence or one or more substantial accessory structures, and~~

1547 ~~2. The proposed bulkhead is more consistent with the King County shoreline master~~
1548 ~~program in protecting the site and adjoining shorelines than feasible, non-structural alternatives~~
1549 ~~such as slope drainage systems, vegetative growth stabilization, gravel berms and beach~~
1550 ~~nourishment, are not feasible or will not adequately protect a legally established residence or~~
1551 ~~substantial accessory structure, and~~

King County Shoreline Regulations

1552 3. ~~The proposed bulkhead is located landward of the ordinary high water mark or it~~
1553 ~~connects to adjacent, legally established bulkheads as in subsection B. above, and~~

1554 4. ~~The maximum height of the proposed bulkhead is no more than one foot above the~~
1555 ~~elevation of extreme high water on tidal waters as determined by the National Ocean Survey~~
1556 ~~published by the National Oceanic and Atmospheric Administration or four feet in height on lakes;~~

1557 ~~D. Shoreline protection shall not be considered an outright permitted use and shall be~~
1558 ~~permitted only when it has been demonstrated that shoreline protection is necessary for the~~
1559 ~~protection of existing legally established structures and public improvements or the preservation of~~
1560 ~~important agricultural lands as designated by the Office of Agriculture.))~~

1561 D. The maximum height of the proposed shoreline stabilization shall be no more than one
1562 foot above the elevation of extreme high water on tidal waters, as determined by the National
1563 Ocean Survey published by the National Oceanic and Atmospheric Administration, or four feet in
1564 height on lakes.

1565 E. Shoreline stabilization is prohibited along feeder bluffs, salmonid habitat and eelgrass
1566 beds unless a geotechnical report demonstrates an imminent danger to a legally established
1567 structure or public improvement. If allowed, shoreline stabilization along feeder bluffs,
1568 salmonid habitat and eelgrass beds must be designed to have the least impact on these resources
1569 and on sediment conveyance systems.

1570 ~~((E.))~~ F. Shoreline ~~((protection))~~ stabilization shall ~~((not have))~~ minimize the adverse
1571 impact on the property of others to the maximum extent practical.

1572 ~~((F.))~~ G. Shoreline ~~((protection))~~ stabilization shall not be used to create new lands ~~((;~~
1573 except that groins may be used to create a public Class I beach if they comply with all other
1574 conditions of this section)).

King County Shoreline Regulations

1575 ~~((G.))~~ H. Shoreline ~~((protection))~~ stabilization shall not ~~((significantly))~~ interfere with
1576 ~~((normal))~~ surface ~~((and/))~~ or subsurface drainage into the water body.

1577 ~~((H.))~~ I. Automobile bodies or other junk or waste material ~~((which))~~ that may release
1578 undesirable material shall not be used for shoreline ~~((protection))~~ stabilization.

1579 ~~((I.))~~ J. Shoreline ~~((protection))~~ stabilization shall be designed so as not to constitute a
1580 hazard to navigation and to not substantially interfere with visual access to the water.

1581 ~~((J.))~~ K. Shoreline ~~((protection))~~ stabilization shall be designed so as not to create a need
1582 for shoreline ~~((protection))~~ stabilization elsewhere.

1583 ~~((K. Bulkheads on Class I beaches shall be located no farther waterward than the bluff or
1584 bank line;~~

1585 ~~L. Bulkheads must be approved by the Washington State Department of Fisheries;~~

1586 ~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable means to
1587 allow passage of surface and groundwater without internal erosion of fine material;~~

1588 ~~N. Groins are permitted only as part of a professionally designed community or public
1589 beach management program.))~~

1590 L. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines
1591 (Washington departments of Fish and Wildlife, Ecology, and Transportation, 2003) and shall be
1592 designed to allow for appropriate public access to the shoreline.

1593 M. The department shall provide a notice to an applicant for new development or
1594 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that the
1595 development may be impacted by sea level rise and recommend that the applicant voluntarily
1596 consider setting the development back further than required by this Title to allow for future sea
1597 level rise.

King County Shoreline Regulations

1598 SECTION 47. K.C.C. 25.16.120, as amended by this ordinance, is hereby recodified as a
1599 new section in the new chapter established in section 16 of this ordinance.

1600 SECTION 48. Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120 are
1601 each hereby amended to read as follows:

1602 Any dock, pier, moorage, buoy, float or launching facility authorized by ~~((K.C.C.~~
1603 ~~25.16.090 through 25.16.140))~~ this chapter shall be subject to the following conditions:

1604 A. ~~((No structure may be located nor extend further waterward of the ordinary high~~
1605 ~~water mark than one-fourth the total distance from the shoreline associated with the structure to~~
1606 ~~the opposite shoreline. This total distance shall be measured from the point where the authorized~~
1607 ~~structure abuts the ordinary high water mark to the nearest opposite high water mark as measured~~
1608 ~~along a straight line; provided, when the structure does not abut the ordinary high water mark,~~
1609 ~~the distance from one ordinary high water mark to the opposite ordinary high water mark shall be~~
1610 ~~measured along the shortest straight line passing through the center of that structure which~~
1611 ~~commences from the property associated with such a structure.))~~ Docks, piers, moorage, buoys,
1612 floats or launching facilities are allowed only for water dependent uses or for public access;

1613 B. Any dock, pier, moorage, buoy, float or launching facility proposal on marine waters
1614 must include an evaluation of the nearshore environment and the potential impact of the facility
1615 on that environment;

1616 C. In the High Intensity, Residential, Rural and Conservancy environments, the
1617 following standards apply:

1618 1. Only one boat lift, dock, pier, moorage, buoy, float or launching facility may be
1619 allowed for each single detached residential lot and only if the applicant demonstrates there is no
1620 feasible practical alternative; and

King County Shoreline Regulations

1621 2. Only one boat lift, dock, pier, moorage, buoy, float or launching facility is allowed
1622 for each commercial or industrial use;

1623 D. In the Conservancy environment, a boat lift, dock, pier, moorage, float or launching
1624 facility for a commercial or manufacturing use must be located at least two hundred fifty feet
1625 from another dock or pier;

1626 E. In the Resource and Forestry Shoreline Environments, a boat lift, dock, pier, moorage,
1627 float or launching facility is only permitted as an accessory use to a residential use or to support a
1628 resource or forestry use;

1629 F. In the Natural environment, a boat lift, dock, pier, moorage, buoy, float or launching
1630 facility is prohibited;

1631 G. In freshwater lakes:

1632 1. The only structures permitted in the first thirty feet waterward of the ordinary high
1633 water mark are piers and ramps. All floats and ells must be at least thirty feet waterward of the
1634 ordinary high water mark;

1635 2. No skirting is allowed on any structure;

1636 3. Surface coverage (includes all overwater portions of the moorage structure):

1637 a. Moorage facilities serving only one residential waterfront lot shall not exceed four
1638 hundred eighty square feet;

1639 b. Moorage facilities serving two residential waterfront lots shall not exceed seven
1640 hundred square feet;

1641 c. Moorage facilities serving three or more residential waterfront lots shall not exceed
1642 one thousand square feet;

1643 4. On lakes with anadromous salmon:

King County Shoreline Regulations

1644 a. docks with configurations that do not include any or all of the following elements
1645 shall be subject to the overall length and square footage limitations of this section and no portion
1646 of the dock shall exceed four feet in width, unless allowed in this subsection;

1647 b. Piers shall not exceed four feet wide and shall be fully grated;

1648 c. Ramps shall not exceed three feet wide and shall be fully grated;

1649 d.i. Ells are allowed only over water with depths of nine feet or greater at the landward
1650 end of the ell:

1651 ii. Ells may be up to six feet wide by twenty feet long with a two-foot-wide strip of
1652 grating down the center; or

1653 iii. Ells may be up to six feet wide by twenty-six feet long with grating over the
1654 entire ell;

1655 d.i. Floats are allowed only over water with depths of ten feet or greater at the
1656 landward end of the float; and

1657 ii. Floats may be up to six feet wide by twenty feet long, with a two-foot-wide strip
1658 of grating down the center; and

1659 e. In no case may any moorage facility extend more than one hundred fifty feet
1660 waterward of the ordinary high water mark;

1661 5.a. In freshwater lakes with anadromous salmon, the first (nearest shore) piling shall
1662 be steel, four-inch piling and at least eighteen feet waterward of the ordinary high water mark.
1663 Piling sets beyond the first are not required to be steel, shall be spaced at least eighteen feet apart
1664 and shall not be greater than twelve inches in diameter;

1665 b. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably
1666 toxic compounds. If ACZA pilings are proposed, the applicant will meet all of the Best

King County Shoreline Regulations

1667 Management Practices, including a post-treatment procedure, as outlined in the amended Best
1668 Management Practices of the Western Wood Preservers;

1669 c. Steel piles will be installed using approved sound attenuation measures.

1670 6.a. Existing habitat features, such as large and small woody debris and substrate
1671 material, shall be retained and new or expanded moorage facilities placed to avoid disturbance of
1672 such features;

1673 b. Invasive weeds, such as milfoil, may be removed as provided in K.C.C. chapter
1674 21A.24;

1675 c. In order to mitigate the impacts of new or expanded moorage facilities, the
1676 applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a minimum
1677 of ten feet wide along the entire length of the lot immediately landward of ordinary high water
1678 mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation.
1679 At least five native trees will be included in a planting plan containing one or more evergreen
1680 trees and two or more trees that like wet roots, such as willow species. Such planting shall be
1681 monitored for a period of five years consistent with a monitoring plan approved pursuant to
1682 K.C.C. chapter 21A.24. This subsection is not intended to prevent reasonable access through the
1683 shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical
1684 area;

1685 7.a. Except as otherwise provided in subsection G.7.b. of this section, private moorage
1686 or other structures waterward of the ordinary high water mark, including attached structures,
1687 shall not be located closer than twelve feet to any adjacent property line except when a mutual
1688 agreement of adjoining property owners is recorded with the King County Records and Elections
1689 Division;

King County Shoreline Regulations

1690 b. Subsection G.7.a of this section does not apply to boat lifts or portions of boat lifts
1691 that do not exceed thirty inches in height measured from ordinary high water mark;

1692 8. Proposals to repair existing, legally established moorage facilities that do not meet
1693 the requirements of subsection F.1 of this section are subject to the following. A proposal
1694 includes any and all actions proposed within a twelve month period:

1695 a. For the following proposals, the applicant shall perform one of the improvements
1696 listed in subsection G.8.g of this section:

1697 i. Proposals to replace more than fifty percent of the decking and the above-water
1698 decking substructure within the first thirty feet waterward of the ordinary high water mark, or of
1699 the existing access ramp, whichever is less;

1700 ii. Proposals to replace more than fifty percent of the decking and decking
1701 substructure of the entire moorage; or

1702 iii. Proposals involving the combination of either subsections G.8.a.i. or ii of this
1703 section with a proposal to replace three or more existing piles but less than fifty percent of the
1704 existing piles.

1705 b. If the proposal requires the need for partial compliance, the applicant may choose
1706 one of the following improvements. The improvement shall be completed with the original
1707 proposal:

1708 i. Reduce the width of that portion of the facility within the first thirty feet waterward
1709 of the ordinary high water mark or of any access ramp to no more than four feet wide;

1710 ii. Fully grate the affected portion of the facility;

1711 iii. Remove skirting from the entire facility;

1712 iv. Remove existing piles from the first eighteen feet of the facility; or

King County Shoreline Regulations

1713 v. Enhance the shoreline aquatic area or wetland buffer to meet the shoreline
1714 plantings requirements of subsection G.6.c of this section;

1715 c. Proposals involving replacement of moorage piles shall require full compliance of
1716 replacement moorage piles with the development standards of subsection G.5 of this section;

1717 d. Proposals involving replacement of more than fifty percent of the structural piles
1718 of the moorage facility shall be considered a new moorage facility and shall comply with the
1719 provisions of subsection G.1 of this section;

1720 9. Proposals to repair existing legally established moorage facilities where the nature
1721 of the repair is not described in subsection G.8 of this section shall be considered minor repairs
1722 and are permitted, consistent with any applicable standards of this Title, Title 16 and any other
1723 applicable codes or regulations;

1724 H. On marine waters, moorage facilities shall be consistent with United States Army
1725 Corps of Engineers Regional General Permit RGP-6 issued February 14, 2005 and revised July
1726 9, 2007;

1727 I. Only joint use boat lifts, docks, piers, moorage, buoys, floats or launching facilities are
1728 allowed for subdivisions or short subdivisions or for multi-unit dwelling unit development
1729 proposals;

1730 ~~((B-))~~ J. ~~((N-e))~~ Covered boat lifts, docks, piers, covered moorages, covered floats, ~~((ør))~~
1731 and other covered structures ~~((is))~~ are not permitted waterward of the ordinary high water mark,
1732 except that outside the Maury Island Environmental Aquatic Reserve, submerged, free-standing
1733 mechanical boat lifts associated with ~~((single-family))~~ single detached residential docks or piers
1734 and recreational watercraft may be covered with a canopy, ~~((provided))~~ as follows:

King County Shoreline Regulations

- 1735 1. ~~((No))~~ The canopy shall not be more than ~~((25))~~ twenty-five feet in length or wider
1736 than ~~((15))~~ fifteen feet;
- 1737 2. No portion of the canopy shall exceed a height of ~~((40))~~ ten feet above the Ordinary
1738 High Water Line ~~((OHWL))~~);
- 1739 3. The canopy shall at no time have any side partly or wholly enclosed;
- 1740 4. The highest portion of the canopy shall be located below the topographical grade of
1741 existing homes on surrounding properties;
- 1742 5. ~~((Canopies))~~ The canopy shall be made out of canvas or other ~~((such))~~ non-toxic
1743 material~~((s))~~;
- 1744 6. ~~((Canopies))~~ The canopy shall be of a ~~((solid color and should be of a shade which is~~
1745 ~~non-obtrusive))~~ translucent material to allow light transmission;
- 1746 7. The canopy shall be included in the square footage calculations for docks and piers,
1747 as enumerated in ~~((K.C.C. 25.16.140E))~~ subsection G of this section and the United States Army
1748 Corps of Engineers General Permit RGP-6 issued February 14, 2005 and revised July 9, 2007;
1749 and
- 1750 8. Only one boat lift canopy per ~~((single family))~~ single detached residence shall be
1751 allowed~~((:))~~;
- 1752 ~~((C. No pier, moorage, float, or overwater structure or device shall be located closer than~~
1753 ~~fifteen feet from the side property line extended, except that such structures may abut property~~
1754 ~~lines for the common use of adjacent property owners when mutually agreed to by the property~~
1755 ~~owners in a contract recorded with the King County division of records and elections, a copy of~~
1756 ~~which must accompany an application for a building permit or a shoreline permit; such joint use~~
1757 ~~piers may be permitted up to twice the surface area allowed by this title.~~

King County Shoreline Regulations

1758 ~~D. All piers, moorages, floats or other such structures shall float at all times on the~~
1759 ~~surface of the water or shall be of open pile construction, provided no portion of the structure~~
1760 ~~shall, during the course of the normal fluctuations of the elevation of the water body, protrude~~
1761 ~~more than five feet above the surface of the water, except as provided in subsection B2.~~

1762 ~~E. No pier, including finger pier, moorage, float, or overwater structure or device shall~~
1763 ~~be wider than fifty percent of the lot with which it is associated.~~

1764 ~~F.))~~ K. No dwelling unit may be constructed on a dock or pier. A water related or water
1765 enjoyment use may be allowed on a dock, pier or other over-water structure only as part of a
1766 mixed-use development and only if accessory to and in support of a water-dependent use; and

1767 L. Buoys shall meet the following conditions:

1768 1. Buoys shall not impede navigation;

1769 2. The use of buoys for moorage of recreational and commercial vessels is preferred
1770 over pilings or float structures;

1771 3. Buoys shall be located and managed in a manner that minimizes impacts to eelgrass
1772 and other aquatic vegetation;

1773 4. Preference should be given mid-line float or all-rope line systems that have the least
1774 impact on marine vegetation;

1775 5. New buoys that would result in a closure of local shellfish beds for future harvest
1776 shall be prohibited; and

1777 6. No more than four buoys per acre are allowed.

1778 SECTION 49. K.C.C. 25.16.190, as amended by this ordinance, is hereby recodified as a
1779 new section in the new chapter established in section 16 of this ordinance.

King County Shoreline Regulations

1780 SECTION 50. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190, are
1781 each hereby amended to read as follows:

1782 Excavation, dredging, dredge material disposal and filling may be permitted ~~((in the urban~~
1783 ~~environment, only as part of an approved overall development plan not as an independent activity~~
1784 ~~provided))~~ only as follows:

1785 A. Any fill or excavation ~~((regardless of size,))~~ landward of the ordinary high water mark
1786 shall be subject to the provisions of K.C.C. chapter 16.82((-100)) and K.C.C. chapter 21A.24;

1787 B. ~~((Landfill))~~ Fill may be permitted below the ordinary high water mark only:

1788 1. ~~((w))~~When necessary ~~((for the operation of))~~ to support a water dependent ~~((or water~~
1789 ~~related))~~ use(,);

1790 2. To provide for public access;

1791 3. ~~((or w))~~When necessary to mitigate conditions ~~((which))~~ that endanger public safety,
1792 including flood risk reduction projects;

1793 4. To allow for cleanup and disposal of contaminated sediments as part of an interagency
1794 environmental cleanup plan;

1795 5. To allow for the disposal of dredged material considered suitable under, and conducted
1796 in accordance with, the dredged material management program of the Washington Department of
1797 Natural Resources;

1798 6. For expansion or alteration of transportation or utility facilities currently located on the
1799 shoreline and then only upon demonstration that alternatives to fill are not feasible; or

1800 7. As part of mitigation actions, environmental restoration projects and habitat
1801 enhancement projects;

King County Shoreline Regulations

1802 C. (~~Landfill~~) Fill or excavations shall be permitted only when technical information
1803 demonstrates water circulation, littoral drift, aquatic life and water quality will not be
1804 substantially impaired and that the fill or excavation will not obstruct the flow of the ordinary
1805 high water, floodwaters or cutoff or isolate hydrologic features from each other;

1806 D. (~~Landfill or disposal of dredged material shall be prohibited within the floodway;~~

1807 E. ~~Wetlands such as marshes, swamps, and bogs shall not be disturbed or altered through~~
1808 ~~excavation, filling, dredging, or disposal of dredged material unless the manager determines that~~
1809 ~~either:~~

1810 1. ~~The wetland does not serve any of the valuable functions of wetlands identified in~~
1811 ~~K.C.C. 20.12.080 and U.S. Army Corps of Engineers 33 CFR 320.4(b), including but not limited~~
1812 ~~to wildlife habitat and natural drainage functions, or~~

1813 2. ~~The proposed development would preserve or enhance the wildlife habitat, natural~~
1814 ~~drainage, and/or other valuable functions of wetlands as discussed in K.C.C. 20.12.080 or U.S.~~
1815 ~~Army Corps of Engineers 33 CFR 320.4(b) and would be consistent with the purposes of this Title;~~

1816 F. ~~Class I beaches shall not be covered by landfill except for approved beach feeding~~
1817 ~~programs;~~

1818 G. ~~Excavations on beaches shall include precautions to prevent the migration of fine grain~~
1819 ~~sediments, disturbed by the excavation, onto adjacent beach areas and excavations on beaches shall~~
1820 ~~be backfilled promptly using material of similar composition and similar or more coarse grain size;~~

1821 H. ~~No refuse disposal sites, solid waste disposal sites, or sanitary fills of putrescible or~~
1822 ~~non-putrescible material shall be permitted within the shorelines of the state;~~

1823 I. ~~Excavation or dredging~~) Dredging and dredged material disposal below the ordinary
1824 high water mark shall be permitted only:

King County Shoreline Regulations

- 1825 1. When necessary for the operation of a water dependent (~~(or water related)~~) use(~~(;~~
1826 ~~or~~);
- 1827 2. When necessary to mitigate conditions (~~(which)~~) that endanger public safety or
1828 fisheries resources(~~(;~~~~or~~);
- 1829 3. As part of and necessary to roadside or agricultural ditch maintenance that is
1830 performed consistent with best management practices promulgated through administrative rules
1831 pursuant to the (~~(sensitive)~~) critical areas provisions of K.C.C. chapter 21A.24 and if:
- 1832 a. the maintenance does not involve any expansion of the ditch beyond its previously
1833 excavated size. This limitation shall not restrict the county's ability to require mitigation,
1834 pursuant to K.C.C. chapter 21A.24, or other applicable laws;
- 1835 b. the ditch was not constructed or created in violation of law;
- 1836 c. the maintenance is accomplished with the least amount of disturbance to the stream
1837 or ditch as possible;
- 1838 d. the maintenance occurs during the summer low flow period and is timed to avoid
1839 disturbance to the stream or ditch during periods critical to salmonids; and
- 1840 e. the maintenance complies with standards designed to protect salmonids and
1841 salmonid habitat, consistent with K.C.C. chapter 21A.24; provided, that this paragraph shall not
1842 be construed to permit the mining or quarrying of any substance below the ordinary high water
1843 mark;
- 1844 4. For establishing, maintaining, expanding, relocating or reconfiguring navigation
1845 channels and basins when necessary to assure safe and efficient accommodation of existing
1846 navigation uses when:
- 1847 a. significant ecological impacts are minimized;

King County Shoreline Regulations

- 1848 b. mitigation is provided;
- 1849 c. maintained to the existing authorized location, depth and width;
- 1850 5. For restoration projects when:
- 1851 a. the site where the fill is placed is located waterward of the ordinary high water mark;
- 1852 and
- 1853 b. the project is associated with a habitat project under the Model Toxics Control Act or
- 1854 the Comprehensive Environmental Response, Compensation, and Liability Act; or
- 1855 c. any habitat enhancement or restoration project; and
- 1856 6. For flood risk reduction projects conducted in accordance with Policy RCM-3 of the
- 1857 King County Flood Hazard Management Plan;
- 1858 E. Dredging is not allowed waterward of the ordinary high water mark for the primary
- 1859 purpose of obtaining fill material or creating a new marina((-);
- 1860 ~~((F.))~~ F. Disposal of dredged material shall be done only in approved deep water disposal
- 1861 ~~sites or approved ((contain)) upland disposal sites~~ and is not allowed within wetlands or channel
- 1862 migration zones;
- 1863 ~~((K.))~~ G. Stockpiling of dredged material in or under water is prohibited; and
- 1864 ~~((L. Maintenance dredging not requiring a shoreline permit(s) shall conform to the~~
- 1865 ~~requirements of this section;~~
- 1866 ~~M. Dredging shall be timed so that it does not interfere with aquatic life;~~
- 1867 ~~N. The county may impose reasonable conditions on dredging or disposal operations~~
- 1868 ~~including but not limited to working seasons and provisions of buffer strips, including retention or~~
- 1869 ~~replacement of existing vegetation, dikes, and settling basins to protect the public safety and shore~~
- 1870 ~~users' lawful interests from unnecessary adverse impact;~~

King County Shoreline Regulations

1871 ~~Q.))~~ H. In order to insure that operations involving dredged material disposal and
1872 maintenance dredging are consistent with ~~((this program))~~ the King County shoreline master
1873 program as required by RCW 90.58.140(1), no dredging may commence ~~((on))~~ in any shoreline
1874 environment without the responsible person having first obtained either a substantial
1875 development permit or a statement of exemption when required under K.C.C. 25.32.010 as
1876 recodified by this ordinance.~~((; PROVIDED, that no))~~ A statement of exemption or shoreline
1877 permit is not required ~~((for))~~ prior to emergency dredging needed to protect property from
1878 imminent damage by the elements~~((;))~~, if statement of exemption or substantial development
1879 permit is subsequently obtained following the procedures in K.C.C. 16.82.065.

1880 ~~((P. Operation and maintenance of any existing system of ditches, canals, or drains, or~~
1881 ~~construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit~~
1882 ~~requirement.))~~

1883 NEW SECTION. SECTION 51. There is hereby added a new section in the new chapter
1884 established in section 16 of this ordinance to read as follows:

1885 The expansion of a dwelling unit or residential accessory structure located in the
1886 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

1887 A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a
1888 shoreline conditional use permit is required;

1889 B. If the proposed expansion will result in a total cumulative expansion of the dwelling
1890 unit and accessory structures of more than one thousand square feet, a shoreline variance is
1891 required; and

1892 C. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
1893 expansion is not allowed.

King County Shoreline Regulations

1894 NEW SECTION. SECTION 52. There is hereby added a new section in the new chapter
1895 established in section 16 of this ordinance to read as follows:

1896 The shoreline dimensions table in section 53 of this ordinance establishes the shoreline
1897 standards within each of the shoreline environments. The shoreline environment is located on
1898 the vertical column and the density and dimensions standard is located on the horizontal row of
1899 the table. The table should be interpreted as follows:

1900 A. If the cell is blank in the box at the intersection of the column and the row, the
1901 standards are the same as for the underlying zoning.

1902 B. If the cell has a number in the box at the intersection of the column and the row, that
1903 number is the density or dimension standard for that shoreline environment.

1904 C. If the cell has a parenthetical number in the box at the intersection of the column and
1905 the row, that parenthetical number identifies specific conditions immediately following the table
1906 that are related to the density and dimension standard for that environment.

1907 NEW SECTION. SECTION 53. There is hereby added a new section in the new chapter
1908 established in section 16 of this ordinance to read as follows:

1909 A. The dimensions enumerated in this section apply to any lot that has buildable area
1910 within the shoreline jurisdiction. Buildable area means that the area of the lot, exclusive of any
1911 setbacks, upon which a structure may be constructed. If there is a conflict between the
1912 dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive shall apply.

1913 **Shoreline dimensions.**

King County Shoreline Regulations

	H I G H I N T E N S I T Y	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C
Standards								
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres	
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet	
Impervious surface				10 % (3)				

1914

B. Development conditions.

King County Shoreline Regulations

1915 1. This height can be exceeded consistent with the base height for the zone only if the
1916 structure will not obstruct the view of a substantial number of residences on areas adjoining the
1917 shoreline or if overriding considerations of the public interest will be served, and only for:

1918 a. agricultural buildings;

1919 b. water-dependent uses and water-related uses; and

1920 c. regional light rail transit support structures, but no more than is reasonably
1921 necessary to address the engineering, operational, environmental issues at the location of the
1922 structure;

1923 2. The minimum lot areas may be reduced as follows:

1924 a. to no less than 10,000 square feet or the minimum lot areas for the zone, whichever
1925 is greater, through lot averaging; and

1926 b. when public access is provided, to no less than 8,000 square feet, or the minimum
1927 lot area for the zone, whichever is greater, through cluster development, as provided in K.C.C.
1928 chapter 21A.14.

1929 3. For lots created prior to the effective date of this section, if achieving the ten percent
1930 maximum impervious surface limit is not feasible, the amount of impervious surface shall be
1931 limited to the maximum extent practical but not to exceed the amount of impervious surface
1932 allowed under K.C.C. 21A.12.030 and 21A.12.040,

1933 SECTION 54. K.C.C. 25.16.150, as amended by this ordinance, is hereby recodified as a
1934 new section in the new chapter established in section 16 of this ordinance.

1935 SECTION 55. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150 are each
1936 hereby amended to read as follows:

King County Shoreline Regulations

1937 A. Any existing lot that does not comply with the density and dimensions standards of
1938 K.C.C. chapter 21A.12 or section 53 of this ordinance and that is located wholly or partially
1939 within the shorelines of the state shall be subject to the following provisions:

1940 1. If the adjoining property is not under the same ownership as such lot, then the lot
1941 shall be considered a separate building site((-)); and

1942 2. If the adjoining property is under the same ownership as such lot, then the lot shall
1943 not be considered a separate building site until the lot is combined with adjoining property under
1944 the same ownership in such a way as to comply with the density and dimensions standards of
1945 K.C.C. chapter 21A.12.

1946 B. Submerged land within the boundaries of any waterfront parcel shall not be used to
1947 compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar required
1948 conditions of land subdivision or development, except, where specifically authorized by
1949 ordinance, such lands may be used in area computations as an incentive to encourage common
1950 open space waterfront areas.

1951 C. All newly created lots wholly or partially within the shoreline shall be of uniform size
1952 and dimension, whenever possible.

1953 D. Subdivision of more than four lots shall provide an improved and maintained pedestrian
1954 easement to the shoreline that is of sufficient width to ensure usable access for all residents. Public
1955 access to the shoreline shall be in conformance with the standards in section 40 of this ordinance.

1956 E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction
1957 whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of
1958 the lots should allow for the construction of residential units that do not require shoreline
1959 stabilization.

King County Shoreline Regulations

1960 NEW SECTION. SECTION 56. There is hereby added a new section in the new chapter
1961 established in section 16 of this ordinance to read as follows:

1962 Historic properties include historic buildings, sites, objects, districts and landscapes,
1963 prehistoric and historic archaeological resources, and traditional cultural places. Development
1964 within shoreline environments shall protect historic properties as follows:

1965 A. Known historic properties:

1966 1. Known historic properties are inventoried by the Historic Preservation Program and
1967 are subject to the procedures delineated in K.C.C. 20.62.150. As required by K.C.C. 20.62.150,
1968 the department shall inform the Historic Preservation Officer regarding the affects of
1969 development proposals on inventoried properties. Disturbance of known archaeological sites is
1970 also subject to state regulations, including chapter 27.44 RCW, chapter 27.53 RCW, and chapter
1971 68.80 RCW;

1972 2. If a known archaeological site or traditional cultural place is affected by a
1973 development proposal, the Historic Preservation Officer shall inform and consult with the
1974 Washington State Department of Archaeology and Historic Preservation and any concerned
1975 Native American tribes. To the extent feasible, the Historic Preservation Officer shall coordinate
1976 county and state required permitting and compliance procedures and requirements to avoid
1977 substantial duplication of effort by permit applicants. The department shall require a site
1978 inspection or evaluation by a professional archaeologist in coordination with any concerned
1979 Native tribes; and

1980 3. In considering shoreline permits or shoreline exemptions, the department may attach
1981 conditions to provide sufficient time for the Historic Preservation Officer to consult with the
1982 Washington State Department of Archaeology and Historic Preservation and any concerned

King County Shoreline Regulations

1983 Native American tribes, and to ensure that historic properties are properly protected, or for
1984 appropriate agencies to contact property owners regarding purchase or other long-term
1985 stewardship and protection arrangements. Provision for the protection and preservation of
1986 historic properties shall be incorporated in permits and exemptions to the maximum extent
1987 practical.

1988 B. Inadvertent Discovery:

1989 1. Consistent with the definitions and requirements contained in chapter 27.44 RCW,
1990 chapter 27.53 RCW, and chapter 68.80 RCW, and with the intent of K.C.C. chapter 20.62,
1991 whenever potentially significant historic properties, or archaeological artifacts, are discovered in
1992 the process of development on shorelines, work on that portion of the development site shall be
1993 stopped immediately and the find reported as soon as possible to the department;

1994 2. The department shall notify the Historic Preservation Officer, and if an
1995 archaeological site or artifacts have been discovered, the Washington State Department of
1996 Archaeology and Historic Preservation, any concerned Native American tribes and other
1997 appropriate agencies. The department shall require that a historic property assessment be
1998 conducted immediately by a professional archaeologist, ethnographer or historic preservation
1999 professional, as applicable, in consultation with the Historic Preservation Officer, to determine
2000 the significance of the discovery and the extent of damage that may have occurred to the
2001 resource. The historic property assessment shall be distributed to the Historic Preservation
2002 Officer, and, if an archaeological site, archaeological artifacts or a traditional cultural place have
2003 been discovered, the Washington State Department of Archaeology and Historic Preservation,
2004 and any concerned Native American tribes for a fifteen-day review period or, in the case of
2005 inadvertent discovery of human remains, a thirty-day review period to determine the significance

King County Shoreline Regulations

2006 of the discovery. If the historic property has been determined not to be significant by the above
2007 listed agencies or governments, or if the above listed agencies or governments have failed to
2008 respond within the applicable review period following receipt of the historic property
2009 assessment, such stopped work may resume; and

2010 3. Upon receipt of a positive determination of a property's significance, or if available
2011 information suggests that a negative determination is erroneous, the department or the Historic
2012 Preservation Officer may require that a historic property management plan be prepared by a
2013 qualified professional archaeologist or other appropriate professional if such action is reasonable
2014 and necessary to implement related program objectives and is consistent with the intent of King
2015 County policies and codes protecting historic properties.

2016 C. Public Access:

2017 1. If a private or publicly owned historic property is identified, public access shall be
2018 encouraged as appropriate for purposes of public education, provided that:

2019 a. the type or level of public access is consistent with the long term protection of both
2020 historic resource values and shoreline ecological functions; and

2021 b. an access management plan is developed in accordance with development site- and
2022 resource-specific conditions in consultation with the Historic Preservation Officer, and, if an
2023 archaeological site, archaeological artifacts or a traditional cultural place have been discovered,
2024 the Washington State Department of Archaeology and Historic Preservation, any concerned
2025 Native American tribes or other agencies, as appropriate, to address physical protection of the
2026 resource, hours of operation, interpretive or directional signage, lighting, pedestrian access or
2027 traffic and parking, as appropriate; and

King County Shoreline Regulations

2028 2. For archaeological sites and traditional cultural places, the Historic Preservation
2029 Program, the Washington State Department of Archaeology and Historic Preservation, any
2030 concerned Native tribes or other agencies, as appropriate, shall approve access measures prior to
2031 provision of public access to a site.

2032 NEW SECTION. SECTION 57. There is hereby added a new section in the new chapter
2033 established in section 16 of this ordinance to read as follows:

2034 Parking facilities, except parking facilities associated with single detached dwelling units,
2035 shall meet the following standards:

2036 1. Parking areas serving a water related, water enjoyment or a nonwater-oriented use
2037 must be located beneath or upland of the development (~~(which)~~) that the parking area serves,
2038 except for utility facilities;

2039 2. The design of parking facilities must use low-impact designs, such as porous
2040 concrete and vegetated swales; and

2041 3. In the Natural environment, parking areas shall be located at least two hundred feet
2042 from the ordinary high water mark.

2043 SECTION 58. K.C.C. 25.16.160, as amended by this ordinance, is hereby recodified as a
2044 new section in the new chapter established in section 16 of this ordinance.

2045 SECTION 59. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each hereby
2046 amended to read as follows:

2047 (~~(Utility)~~) New utility facilities and repair and replacement of existing utility facilities may
2048 be permitted (~~((in the urban environment))~~) subject to the general requirements (~~((section (Section~~
2049 ~~25.16.030)))~~) of this chapter, (~~(provided)~~) as follows:

2050 A. To the maximum extent practical, new (~~(U)~~)utility and transmission facilities shall:

King County Shoreline Regulations

- 2051 1. Avoid disturbance of unique and fragile areas;
- 2052 2. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 2053 3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic
- 2054 recreation or historic areas((-));
- 2055 4. Avoid changing groundwater patterns and hyporheic flows that support streams and
- 2056 wetlands;
- 2057 5. Not be located within the Natural shoreline unless the utility is low-intensity; and
- 2058 6. Avoid locating new utility and transmission facilities in tidelands or in or adjacent to
- 2059 the Maury Island aquatic reserve;
- 2060 B. ~~((U))~~New utility distribution and transmission facilities shall be designed ~~((so as))~~ to:
- 2061 1. Be located outside the shoreline jurisdiction where feasible;
- 2062 2. Be located within existing rights of way and utility corridors where feasible;
- 2063 3. Minimize visual impact;
- 2064 ~~((2-))~~ 4. Harmonize with or enhance the surroundings;
- 2065 ~~((3-))~~ 5. Not create a need for shoreline protection; and
- 2066 ~~((4. Utilize))~~ 6. ((t))To the ((greatest extent possible)) maximum extent practical, use
- 2067 natural screening((-));
- 2068 C. To the maximum extent practical, the construction, repair, replacement and
- 2069 maintenance of utility facilities shall ((be done in such a way so as to)):
- 2070 1. Maximize the preservation of natural beauty and the conservation of resources;
- 2071 2. Minimize scarring of the landscape;
- 2072 3. Minimize siltation and erosion;
- 2073 4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and

King County Shoreline Regulations

2074 5. Avoid disruption of critical aquatic and wildlife stages~~((-))~~;

2075 D. Rehabilitation of areas disturbed by the construction, ~~((and/))~~ repair, replacement or

2076 maintenance of utility facilities shall:

2077 1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain

2078 plant and wildlife habitats; and

2079 2. ~~((Utilize))~~ Use plantings compatible with the native vegetation~~((-))~~;

2080 E. Solid waste transfer stations shall ~~((not))~~ only be permitted within ~~((the shorelines of~~

2081 ~~the state))~~ the High Intensity shoreline environment; and

2082 F. Utility production and processing facilities, such as power plants and sewage treatment

2083 plants are not allowed within the shoreline jurisdiction.

2084 SECTION 60. K.C.C. 25.16.080, as amended by this ordinance, is hereby recodified as a

2085 new section in the new chapter established in section 16 of this ordinance.

2086 SECTION 61. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each hereby

2087 amended to read as follows:

2088 Signs may be permitted ~~((in the urban environment))~~ subject to the provisions ~~((of the~~

2089 ~~underlying zoning))~~ in K.C.C. chapter 21A.20, provided:

2090 A. ~~((No sign which is not constructed parallel to and flush against the side of a building~~

2091 ~~shall be permitted which is more than seventy two inches in height as measured from the average~~

2092 ~~grade level.~~

2093 ~~B. Signs painted upon or constructed parallel to and flush against the side of a building~~

2094 ~~shall not extend beyond the wall or above the roof line against which they are constructed.~~

2095 ~~C. Signs shall be stationary, nonblinking and nonrevolving.~~

2096 ~~D. Signs shall have no auxiliary projections or attachments.~~

King County Shoreline Regulations

2097 ~~E. Signs shall not be erected nor maintained upon trees, or drawn or painted upon rocks or~~
2098 ~~other natural features.~~

2099 ~~F. Artificial lighting of signs shall be directed away from adjacent properties and the~~
2100 ~~water.~~

2101 ~~G.))~~ Signs waterward of the ordinary high water mark shall be permitted only to the
2102 extent necessary for the operation of a permitted overwater development (~~(provided n)~~). No such
2103 sign shall be larger than five square feet~~((-))~~;

2104 B. In the Rural environment, signs may not exceed fifty square feet;

2105 C. In the Conservancy environment, signs are not allowed except for:

2106 1. Signs of not more than twenty-five square feet within public parks or trails; and

2107 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units;

2108 D. In the Resource and Natural environments, signs are allowed only allowed as follows:

2109 1. Signs of not more than twenty-five square feet within public parks or trails; and

2110 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units; and

2111 E. Signs to protect public safety or prevent trespass may be allowed and should be limited
2112 in size and number to the maximum extent practical.

2113 NEW SECTION. SECTION 62. There is hereby added a new section in the new chapter
2114 established in section 16 of this ordinance to read as follows:

2115 A. Transportation facilities, including, but not limited to, streets, alleys, highways,
2116 railroads, and regional light rail transit are permitted in all shoreline environments.

2117 B. Within street or alley rights-of-way, uses shall be limited to street purposes as defined
2118 by law.

King County Shoreline Regulations

2119 C. Within railroad and regional light rail transit rights-of-way, allowed uses shall be
2120 limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and
2121 equipment, and facilities accessory to and used directly for the delivery and distribution of
2122 services to abutting property.

2123 D. New transportation facilities shall, to the maximum extent practical:

- 2124 1. Be located outside of the shoreline jurisdiction;
- 2125 2. Avoid disturbance of unique and fragile areas;
- 2126 3. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 2127 4. Avoid changing groundwater patterns and hyporheic flows that support streams and
2128 wetlands;
- 2129 5. Not create a need for shoreline protection; and
- 2130 6. Use natural screening.

2131 SECTION 63. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a new
2132 section in the new chapter established in section 16 of this ordinance.

2133 SECTION 64. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each hereby
2134 amended to read as follows:

2135 A. ~~((No d))~~ Development within the shoreline jurisdiction shall be undertaken ~~((by any~~
2136 ~~person on the shorelines of the state unless such))~~ only if that development is consistent with the
2137 ~~((policy))~~ policies of ~~((Section 2 of the Shoreline Management Act of 1971, and, after adoption~~
2138 ~~and approval, the guidelines and regulations of the Washington State Department of Ecology))~~
2139 RCW 90.58.020, chapter 173-26 WAC and the King County shoreline master program.

2140 B. ~~((No))~~ A substantial development permit shall be ~~((undertaken by any person on the~~
2141 ~~shorelines of the state without first obtaining a substantial development permit from the director;~~

King County Shoreline Regulations

2142 ~~provided, that such a permit shall not be required for the development excepted))~~ required for all
2143 proposed uses and modifications within the shoreline jurisdiction unless the proposal is
2144 specifically exempt from the definition of substantial development in RCW 90.58.030 ((and for
2145 developments)) and WAC 173-27-040 or is exempted by RCW 90.58.140((9) and (10)). ((C.
2146 Any person claiming exception from the permit requirements of this chapter as a result of the
2147 exemptions described in subsection B. of this section may make an application to the director for
2148 such an exemption in the manner prescribed by the director. Development within the shorelines
2149 of the state which does not require a permit shall conform to the master program. Conditions
2150 requiring such conformance may be imposed prior to granting exemption from the permit
2151 requirement.)) If a proposal is exempt from the definition of substantial development, a written
2152 statement of exemption is required for any proposed uses and modifications if:

- 2153 1. WAC 173-27-050 applies; or
2154 2. Except for the maintenance of agricultural drainage that is not used by salmonids, the
2155 proposed use or modification will occur at or below the ordinary high water mark.

2156 C. Whether or not a written statement of exemption is required, all permits issued for
2157 development activities within the shoreline jurisdiction shall include a record of review
2158 indicating compliance with the shoreline master program and regulations.

2159 D. As necessary to assure consistency of the project with the shoreline master program
2160 and this chapter, the department may attach conditions of approval to a substantial development
2161 permit or a statement of exemption or to the approval of a development proposal that does not
2162 require either.

2163 E. The department may issue a programmatic statement of exemption as follows:

- 2164 1. For an activity for which a statement of exemption is required, the activity:

King County Shoreline Regulations

- 2165 a. Shall be repetitive and part of a maintenance program or other similar program;
2166 b. Have the same or similar identifiable impacts, as determined by the department,
2167 each time the activity is repeated at all sites covered by the programmatic statement of
2168 exemption; and
- 2169 c. Be suitable to having standard conditions that will apply to any and all sites;
- 2170 2. The department shall uniformly apply conditions to each activity authorized under
2171 the programmatic statement of exemption at all locations covered by the statement of exemption.
2172 The department may require that the applicant develop and propose the uniformly applicable
2173 conditions as part of the statement of exemption application and may approve, modify or reject
2174 any of the applicant's proposed conditions. The department shall not issue a programmatic
2175 statement of exemption until applicable conditions are developed and approved;
- 2176 3. Activities authorized under a programmatic statement of exemption shall be subject
2177 to inspection by the department. The applicant may be required to notify the department each
2178 time work subject to the programmatic statement of exemption is undertaken for the department
2179 to schedule inspections. In addition, the department may require the applicant to submit periodic
2180 status reports. The frequency, method and contents of the notifications and reports shall be
2181 specified as conditions in the programmatic statement of exemption;
- 2182 4. The department may require revisions, impose new conditions or otherwise modify
2183 the programmatic statement of exemption or withdraw the programmatic statement of exemption
2184 and require that the applicant apply for a standard statement of exemption, if the department
2185 determines that the:
- 2186 a. The programmatic statement of exemption or activities authorized under the
2187 statement of exemption no longer comply with law;

King County Shoreline Regulations

2188 b. The programmatic statement of exemption does not provide adequate regulation of
2189 the activity;

2190 c. The programmatic statement of exemption conditions or the manner in which the
2191 conditions are implemented are not adequate to protect against the impacts resulting from the
2192 activity; or

2193 d. A site requires site-specific regulation; and

2194 5. If an activity covered by a programmatic statement of exemption also requires other
2195 county, state and federal approvals, to the extent feasible, the department shall attempt to
2196 incorporate conditions that comply with those other approvals into the programmatic statement
2197 of exemption.

2198 SECTION 65. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a new
2199 section in the new chapter established in section 16 of this ordinance.

2200 SECTION 66. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each hereby
2201 amended to read as follows:

2202 In the case of development subject to the permit requirements of this ~~((title))~~ chapter,
2203 King County shall not issue any other permit for such development until such time as approval
2204 has been granted pursuant to this ~~((title))~~ chapter. Any development subsequently authorized by
2205 King County shall be subject to the same terms and conditions ~~((which))~~ that apply to the
2206 development authorized pursuant to this ~~((title))~~ chapter.

2207 SECTION 67. K.C.C. 25.32.060 , as amended by this ordinance, is recodified as a new
2208 section in the new chapter established in section 16 of this ordinance.

2209 SECTION 68. Ordinance 3688 Section 806, and K.C.C. 25.32.060 are each hereby
2210 amended to read as follows:

King County Shoreline Regulations

2211 ~~((A. Applications for substantial development or building permits to modify a~~
2212 ~~nonconforming use or development may be approved only if:~~
2213 ~~1. The modifications will make the use or development less nonconforming; or~~
2214 ~~2. The modifications will not make the use or development more nonconforming.~~
2215 ~~B. A use or development, not conforming to existing regulations, which is destroyed,~~
2216 ~~deteriorated, or damaged more than fifty percent of its fair market value at present or at the time~~
2217 ~~of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only~~
2218 ~~insofar as it is consistent with existing regulations.~~

2219 ~~€.)~~ The review of applications for the ~~((modification))~~ expansion or replacement of a
2220 nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~ in
2221 accordance with K.C.C. 21A.32 (General Provisions-Nonconformance, Temporary Uses, and
2222 Re-Use of Facilities).

2223 SECTION 69. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a new
2224 section in the new chapter established in section 16 of this ordinance.

2225 SECTION 70. Ordinance 3688, Section 810, and K.C.C. 25.32.100 are each hereby
2226 amended to read as follows:

2227 A. Appeals from the final decision of the county with regard to shoreline management
2228 shall be governed solely by the provisions of RCW 90.58.180.

2229 B. The effective date of King County's decision shall be the date of filing with the
2230 Department of Ecology as defined in RCW 90.58.140.

2231 C. When a hearing and decision has occurred ~~((pursuant to Section))~~ under K.C.C.
2232 25.32.080, as recodified by this ordinance, and the examiner's recommendation with regard to
2233 disposition of a proposed development pursuant to Titles 20 and 21A of this code requires King

King County Shoreline Regulations

2234 County council action, the final decision of the county (~~(pursuant to this title)~~) shall be effective
2235 on the date of filing as defined in RCW 90.58.140 for the purposes of appeal as provided in
2236 RCW (~~(90.50.140)~~) 90.58.140. However, no development may occur until the King County
2237 council has taken final action on the examiner's recommendation required by K.C.C. Titles 20
2238 and(~~/or~~) 21A (~~(of this code)~~).

2239 SECTION 71. K.C.C. 25.08.090, as amended by this ordinance, is recodified as a new
2240 section in K.C.C. chapter 21A.06.

2241 SECTION 72. Ordinance 3688, Section 208, and K.C.C. 25.08.090 are each hereby
2242 amended to read as follows:

2243 (~~("~~)Breakwater(~~(" means~~)): an off-shore structure either floating or not (~~(which)~~) that
2244 may or may not be connected to the shore, such structure being designated to absorb (~~(and/)~~)or
2245 reflect back into the water body the energy of the waves.

2246 SECTION 73. K.C.C. 25.08.100, as amended by this ordinance, is recodified as a new
2247 section in K.C.C. chapter 21A.06.

2248 SECTION 74. Ordinance 3688, Section 209, and K.C.C. 25.08.100 are each hereby
2249 amended to read as follows:

2250 (~~("~~)Bulkhead(~~(" means~~)): a solid or open pile wall of rock, concrete, steel or timber or
2251 other materials or a combination of these materials erected generally parallel to and near the
2252 ordinary high water mark for the purpose of protecting (~~(adjacent wetlands and)~~) uplands from
2253 waves or currents.

2254 SECTION 75. K.C.C. 25.08.175, as amended by this ordinance, is hereby recodified as a
2255 new section in K.C.C. chapter 21A.06.

King County Shoreline Regulations

2256 SECTION 76. Ordinance 5734, Section 1, and K.C.C. 25.08.175 are each hereby
2257 amended to read as follows:

2258 (~~"~~)Dredging(~~"is~~): the removal, displacement, (~~and~~) or disposal of unconsolidated
2259 earth material such as sand, silt, gravel, or other (~~submerged~~) materials, from (~~the bottom of~~)
2260 water bodies, ditches, or natural wetlands, whether during submerged conditions or dry
2261 conditions; maintenance dredging and(~~/or~~) support activities are included in this definition.

2262 SECTION 77. K.C.C. 25.08.190, as amended by this ordinance, is hereby recodified as a
2263 new section in K.C.C. chapter 21A.06.

2264 SECTION 78. Ordinance 3688, Section 218, and K.C.C. 25.08.190 are each hereby
2265 amended to read as follows:

2266 (~~"~~)Environment(~~"or "master program environment" or "shoreline environment"~~
2267 ~~means~~), shoreline: the categories of shorelines (~~of the state~~) and shorelands established by the
2268 King County shoreline (~~management~~) master program to differentiate between areas whose
2269 features imply differing objectives regarding their use and future development.

2270 SECTION 79. K.C.C. 25.08.210, as amended by this ordinance, is hereby recodified as a
2271 new section in K.C.C. chapter 21A.06.

2272 SECTION 80. Ordinance 3688, Section 220, and K.C.C. 25.08.210 are each hereby
2273 amended to read as follows:

2274 (~~"~~)Float(~~"means~~): a structure or device (~~which~~) that is not a breakwater and (~~which~~) that is
2275 moored, anchored, or otherwise secured in the waters of King County and (~~which~~) is not
2276 connected to the shoreline.

2277 SECTION 81. K.C.C. 25.08.230, as amended by this ordinance, is hereby recodified as a
2278 new section in K.C.C. chapter 21A.06.

King County Shoreline Regulations

2279 SECTION 82. Ordinance 3688, Section 222, and K.C.C. 25.08.230 are each hereby
2280 amended to read as follows:

2281 ((~~"~~))Groin(~~(" means a~~)): a barrier type structure extending from the backshore into the
2282 water across the beach. The purpose of a groin is to interrupt sediment movement along the
2283 shore.

2284 SECTION 83. K.C.C. 25.08.250, as amended by this ordinance, is hereby recodified as a
2285 new section in K.C.C. chapter 21A.06.

2286 SECTION 84. Ordinance 3688, Section 224, and K.C.C. 25.08.250 are each hereby
2287 amended to read as follows:

2288 ((~~"~~))Jetty(~~(" means a~~): an artificial barrier used to change the natural littoral drift to
2289 protect inlet entrances from clogging by excess sediment.

2290 SECTION 85. K.C.C. 25.08.290, as amended by this ordinance, is hereby recodified as a
2291 new section in K.C.C. chapter 21A.06.

2292 SECTION 86. Ordinance 3688, Section 228, and K.C.C. 25.08.290 are each hereby
2293 amended to read as follows:

2294 ((~~"~~))Master program(~~(" means~~)), shoreline: the comprehensive shoreline use plan for King
2295 County consisting of:

2296 A. The ~~((use regulations and procedures contained in this title; and))~~ King County
2297 shoreline management goals and policies, set forth in King County Comprehensive Plan Chapter 5,
2298 that guide environmental designations, shoreline protection, shoreline use and shoreline
2299 modifications; and

King County Shoreline Regulations

2300 B. The ~~((goals, objectives and policies of the King County shoreline management master~~
2301 ~~program which are contained in a separate document and adopted by ordinance.))~~ development
2302 regulations identified in section 4 of this ordinance.

2303 NEW SECTION. SECTION 87. There is hereby added to K.C.C. chapter 21A.06 a new
2304 section to read as follows:

2305 Navigability or navigable: the capability of susceptibility of a body of water of having
2306 been or being used for the transport of useful commerce. The state of Washington considers all
2307 bodies of water meandered by government surveyors as navigable unless otherwise declared by a
2308 court.

2309 NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter 21A.06 a new
2310 section to read as follows:

2311 Nearshore: the area beginning at the crest of coastal bluffs and extending seaward
2312 through the marine photics zone, and to the head of tide in coastal rivers and streams. Nearshore
2313 includes estuaries.

2314 SECTION 89. K.C.C. 25.08.370, as amended by this ordinance, is hereby recodified as a
2315 new section in K.C.C. chapter 21A.06.

2316 SECTION 90. Ordinance 3688, Section 234, and K.C.C. 25.08.370 are each hereby
2317 amended to read as follows:

2318 ~~((“Pier((“)) or ((“))dock((“means))):~~ a structure built in or over, or floating upon the
2319 water extending from the shore, ~~((which))~~ that may be used as a landing place ~~((for marine~~
2320 ~~transport or))~~ for air or water craft or recreational activities.

2321 SECTION 91. K.C.C. 25.08.020, as amended by this ordinance, is hereby recodified as a
2322 new section in K.C.C. chapter 21A.06.

King County Shoreline Regulations

2323 SECTION 92. Ordinance 3688, Section 201, and K.C.C. 25.08.020 are each hereby
2324 amended to read as follows:

2325 ~~((A.)) Public ((A))access; (~~"Public access" means actual unobstructed access available~~~~
2326 ~~to)) the ability of the general public ((from land to the ordinary high water mark or to the wetland~~
2327 ~~directly abutting the ordinary high water mark)) to reach, touch, and enjoy the water's edge, to~~
2328 ~~travel on the waters of the state and to view the water and the shoreline from adjacent locations.~~

2329 ~~((B. Limited Public Access. "Limited public access" means:~~

2330 ~~1. Actual physical access from land to the ordinary high water mark or to the wetland~~
2331 ~~directly abutting the ordinary high water mark, such access being limited to specific groups of~~
2332 ~~people or to certain regularly prescribed times; or~~

2333 ~~2. Visual access available to the general public to the shoreline and adjacent waterbody,~~
2334 ~~such access being specifically provided for in the development of the site.))~~

2335 SECTION 93. K.C.C. 25.08.400, as amended by this ordinance, is hereby recodified as a
2336 new section in K.C.C. chapter 21A.06.

2337 SECTION 94. Ordinance 3688, Section 237, and K.C.C. 25.08.400 are each hereby
2338 amended to read as follows:

2339 ~~(("))Redesignation(~~" means~~))~~; a change in the shoreline environment designation by the
2340 procedures provided in ~~((Chapter 25.32 of this title))~~ K.C.C. chapter 20.18.

2341 NEW SECTION. SECTION 95. There is hereby added to K.C.C. chapter 21A.06 a new
2342 section to read as follows:

2343 Shorelands: areas landward of the ordinary high water mark along shorelines extending
2344 landward two hundred feet, and also including:

2345 A. The one hundred year floodplain.

King County Shoreline Regulations

2346 B. All associated wetlands.

2347 C. All river deltas.

2348 SECTION 96. K.C.C. 25.08.460, as amended by this ordinance, is hereby recodified as a
2349 new section in K.C.C. chapter 21A.06.

2350 SECTION 97. Ordinance 3688, Section 247, and K.C.C. 25.08.460 are each hereby
2351 amended to read as follows:

2352 (~~"~~)Shoreline (~~(management)~~) conditional use(~~(" or "shoreline conditional use" means)~~):
2353 a shoreline use (~~((specifically designated as a shoreline conditional use in the shoreline~~
2354 ~~management master program))~~) that is allowed only if it meets the criteria established in section
2355 120 of this ordinance and is subject to conditions of approval.

2356 NEW SECTION. SECTION 98. There is hereby added to K.C.C. chapter 21A.06 a new
2357 section to read as follows:

2358 Shoreline jurisdiction: shorelines and shorelands in unincorporated King County.

2359 SECTION 99. K.C.C. 25.08.480, as amended by this ordinance, is hereby recodified as a
2360 new section in K.C.C. chapter 21A.06.

2361 SECTION 100. Ordinance 3688, Section 251, and K.C.C. 25.08.480 are each hereby
2362 amended to read as follows:

2363 (~~"~~)Shoreline (~~((protection " means)~~) stabilization: a structure or device, including but not
2364 limited to breakwaters, bulkheads, jetties, groins and riprap, (~~(which)~~) that is placed so as to
2365 prevent erosion or to alter the normal currents, wave actions or other natural forces or actions of
2366 a waterbody. Shoreline stabilization does not include flood protection facilities.

2367 SECTION 101. K.C.C. 25.08.470, as amended by this ordinance, is hereby recodified as
2368 a new section in K.C.C. chapter 21A.06.

King County Shoreline Regulations

2369 SECTION 102. Ordinance 3688, Section 248, and K.C.C. 25.08.470 are each hereby
2370 amended to read as follows:

2371 ((~~"~~))Shoreline (~~((management))~~) variance(~~("means"))~~); an adjustment in the application of
2372 the regulations of the shoreline management master program consistent with WAC 173-27-170
2373 and K.C.C. 25.32.040 as recodified by this ordinance.

2374 SECTION 103. K.C.C. 25.08.490, as amended by this ordinance, is hereby recodified as
2375 a new section in K.C.C. chapter 21A.06.

2376 SECTION 104. Ordinance 3688, Section 246, and K.C.C. 25.08.490 are each hereby
2377 amended to read as follows:

2378 ((~~"~~))Shorelines(~~("means"))~~); all ~~((of the water areas within the unincorporated portion of~~
2379 ~~King County, including reservoirs, and their associated wetlands together with the lands underlying~~
2380 ~~them; except:~~

2381 ~~A. Shorelines on segments of streams upstream of a point where the mean annual flow is~~
2382 ~~twenty cubic feet per second or less and the wetlands associated with such upstream segments;~~

2383 ~~B. Shorelines on lakes less than twenty acres in size and wetlands associated with such~~
2384 ~~lakes)) marine waters, lakes greater than 20 acres, and rivers and streams with a minimum of~~
2385 ~~twenty cubic feet per second mean annual flow.~~

2386 SECTION 105. K.C.C. 25.08.510, as amended by this ordinance, is hereby recodified as
2387 a new section in K.C.C. chapter 21A.06.

2388 SECTION 106. Ordinance 3688, Section 249, and K.C.C. 25.08.510 are each hereby
2389 amended to read as follows:

2390 ((~~"~~))Shorelines of statewide significance(~~("means"))~~); those shorelines described in RCW
2391 90.58.030(2)(e) (~~(which))~~ that are within the unincorporated portion of King County.

King County Shoreline Regulations

2392 SECTION 107. K.C.C. 25.08.570, as amended by this ordinance, is hereby recodified as
2393 a new section in K.C.C. chapter 21A.06.

2394 SECTION 108. Ordinance 3688, Section 255, and K.C.C. 25.08.570 are each hereby
2395 amended to read as follows:

2396 ((~~"~~))Substantial development(~~(" means~~)): any development (~~((which))~~) that requires a
2397 shoreline management substantial development permit, as defined in RCW 90.58.030(3)(e) as
2398 now or hereafter amended.

2399 SECTION 109. K.C.C. 25.08.590, as amended by this ordinance, is hereby recodified as
2400 a new section in K.C.C. chapter 21A.06.

2401 SECTION 110. Ordinance 3688, Section 257, and K.C.C. 25.08.590 are each hereby
2402 amended to read as follows:

2403 ((~~"~~))Water dependent use(~~(" or "water dependent development" means~~)): a (~~((principal))~~)
2404 use (~~((which can only))~~) or portion of a use that cannot exist (~~((where the landwater interface~~
2405 ~~provides biological or physical conditions necessary for the use))~~) in a location that is not adjacent
2406 to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

2407 NEW SECTION. SECTION 111. There is hereby added to K.C.C. chapter 21A.06 a new
2408 section to read as follows:

2409 Water enjoyment use: a recreational use or other use that facilitates public access to the
2410 shoreline as a primary characteristic of the use; or a use that provides for recreational use or
2411 aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic
2412 of the use and which through location, design, and operation ensures the public's ability to enjoy
2413 the physical and aesthetic qualities of the shoreline. A water-enjoyment use must be open to the

King County Shoreline Regulations

2414 general public and the shoreline-oriented space within the project must be devoted to the specific
2415 aspects of the use that fosters shoreline enjoyment.

2416 NEW SECTION. SECTION 112. There is hereby added to K.C.C. chapter 21A.06 a new
2417 section to read as follows:

2418 Water-oriented use: a use that is water-dependent, water-related, or water-enjoyment, or a
2419 combination of such uses.

2420 SECTION 113. K.C.C. 25.08.600, as amended by this ordinance, is hereby recodified as
2421 a new section in K.C.C. chapter 21A.06.

2422 SECTION 114. Ordinance 3688, Section 258, and K.C.C. 25.08.600 are each hereby
2423 amended to read as follows:

2424 ~~((“))Water related use((“or “water related development” means))): a ((principal)) use~~
2425 ~~((which)) or portion of a use that is not intrinsically dependent on a waterfront location ((abutting~~
2426 ~~the ordinary high water mark but which)) but whose economic viability is dependent upon a~~
2427 waterfront location because:

2428 A. ~~((Promotes the public's enjoyment of or access to the water)) The use has a functional~~
2429 requirement for a waterfront location, such as the arrival or shipment of materials by water or the
2430 need for large quantities of water; or

2431 B. ~~((Gains a cost savings or revenue differentiating advantage, which is not associated~~
2432 ~~with land rents or costs, from being located within the shorelines of the state that could not be~~
2433 ~~obtained at an upland location; such uses include but are not limited to residential development,~~
2434 ~~boat sales or restaurants)) The use provides a necessary service supportive of the water-~~
2435 dependent uses and the proximity of the use to its customers makes its services less expensive or
2436 more convenient, or both.

King County Shoreline Regulations

2437 NEW SECTION. SECTION 115. There is hereby added a new section to K.C.C.
2438 chapter 21A.08 to read as follows:

2439 The permitted land uses allowed in this chapter are allowed within the shoreline
2440 jurisdiction except as amended by section 35 of this ordinance.

2441 NEW SECTION. SECTION 116. There is hereby added a new section to K.C.C.
2442 chapter 21A.12 to read as follows:

2443 The density and dimensions established in this chapter apply within the shoreline
2444 jurisdiction except as inconsistent with section 53 of this ordinance.

2445 SECTION 117. Ordinance 13130, Section 3, as amended, and K.C.C. 21A.32.045 are
2446 each hereby amended to read as follows:

2447 A nonconforming use that has been discontinued or a nonconforming structure or site
2448 improvement that has been damaged or destroyed, may be reestablished or reconstructed if:

2449 A. The nonconforming use, structure, or site improvement which previously existed is not
2450 expanded;

2451 B. A new nonconformance is not created; (~~and~~)

2452 C.1. The use has not been discontinued for more than twelve months prior to its re-
2453 establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a
2454 complete permit application submitted to the department within twelve months of the occurrence
2455 of damage or destruction; or;

2456 2. If the use has been discontinued for more than twelve months, the applicant provides
2457 documentation that demonstrates to the satisfaction of the department that there was no intent to
2458 abandon the use. Documentation may include, but is not limited to, requests for approvals
2459 necessary to reestablish the use or structure submitted to appropriate county, state and federal

King County Shoreline Regulations

2460 agencies within twelve months after the use was discontinued. A statement from the property
2461 owner that merely states that there is no intent to abandon is not sufficient documentation without a
2462 showing of additional actions taken by the property owner to reestablish the use or structure; and

2463 D. A nonconforming use, structure or site improvement located within the shoreline
2464 jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at
2465 present or at the time of its destruction may be reconstructed only insofar as it is consistent with
2466 existing regulations.

2467 SECTION 118. K.C.C. 25.32.040, as amended by this ordinance, is recodified as a new
2468 section in K.C.C. chapter 21A.44.

2469 SECTION 119. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040 are
2470 each hereby amended to read as follows:

2471 A. ~~((The director is authorized to grant a variance from the performance standards of this~~
2472 ~~master program only under the conditions enumerated WAC 173-14-150 (Review Criteria for~~
2473 ~~Variances).)) A shoreline variance shall be granted by the county from the bulk, dimensional or
2474 performance standards set forth in section 53 of this ordinance only if the applicant demonstrates
2475 that:~~

- 2476 1. The review criteria of WAC 173-27-170 have been met;
2477 2. The shoreline variance does not permit a use that is specifically prohibited in the
2478 environmental designation; and
2479 3. Views from nearby roads and public areas are protected.

2480 B. A variance from county zoning code requirements shall not be construed to mean a
2481 variance from shoreline master program use regulations and vice versa.

King County Shoreline Regulations

2482 C. ~~((Shoreline variances may not be used to permit a use that is specifically prohibited in~~
2483 ~~an environment designation.~~

2484 D.)) The burden of proving that a proposed variance meets these conditions shall be on
2485 the applicant; absence of such proof shall be grounds for denial of the application.

2486 ~~((E. The fee which shall accompany an application for a shoreline variance shall be as~~
2487 ~~adopted by ordinance.))~~

2488 SECTION 120. K.C.C. 25.32.050, as amended by this ordinance, is recodified as a new
2489 section in K.C.C. chapter 21A.44.

2490 SECTION 121. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each hereby
2491 amended to read as follows:

2492 A. ~~((The director is authorized to issue))~~ A shoreline conditional use ((permits)) shall be
2493 granted by the department for conditional uses identified in section 35 and section 44 of this
2494 ordinance as shoreline conditional uses only ((under the following circumstances)) if the
2495 applicant demonstrates that:

2496 1. ~~((The development must be compatible with uses which are permitted within the~~
2497 ~~master program environment in which the development is proposed.))~~ The review criteria of
2498 WAC 173-27-160 have been met; and

2499 2. ~~((The use will cause no unreasonable adverse effects on the shoreline or surrounding~~
2500 ~~properties and uses.~~

2501 3.)) The use will promote or not interfere with public use of surface waters.

2502 ~~((4. The development of the site will not be contrary to the policies of the master~~
2503 ~~program.))~~

King County Shoreline Regulations

2504 B. A shoreline conditional use may be granted by the department for uses not identified
2505 as conditional uses in section 35 and section 44 of this ordinance only if the applicant
2506 demonstrates that:

- 2507 1. The criteria in subsection A of this section have been met;
2508 2. The use is not specifically prohibited in the shoreline environment;
2509 3. The use clearly requires specific site location on the shoreline not provided for under
2510 the shoreline master program; and
2511 4. Extraordinary circumstances preclude reasonable use of the property in a manner
2512 consistent with the use regulations of the new chapter created in section 16 of this ordinance.

2513 C. The burden of proving that a proposed shoreline conditional use meets the criteria
2514 enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence of such proof
2515 shall be grounds for denial of the application ~~((; provided, however, that the director is authorized~~
2516 ~~to determine and impose, on a case-by-case basis, those conditions and standards which may be~~
2517 ~~required to enable any proposed shoreline conditional use to satisfy the criteria established in~~
2518 ~~subsection A. of this section)).~~

2519 SECTION 122. Ordinance 10870, Section 631, and K.C.C. 21A.50.030 are each hereby
2520 amended to read as follows:

2521 No building permit or land use approval in conflict with the provisions of this title shall
2522 be issued. Structures or uses ~~((which))~~ that do not conform to this title, except legal
2523 nonconformances specified in K.C.C. 21A.32 and approved variances, are violations subject to
2524 the enforcement, penalty and abatement provisions of Title 23, including but not limited to:

- 2525 A. Establishing a use not permitted in the zone in which it is located;

King County Shoreline Regulations

2526 B. Constructing, expanding or placing a structure in violation of setback, height and
2527 other dimensional standards in this title;

2528 C. Establishing a permitted use without complying with applicable development
2529 standards set forth in other titles, ordinances, rules or other laws, including but not limited to,
2530 road construction, surface water management, the Fire Code, and rules of the department of
2531 public health;

2532 D. Failing to carry out or observe conditions of land use or permit approval, including
2533 contract development standards;

2534 E. Failing to secure required land use or permit approval prior to establishing a permitted
2535 use; (~~and~~)

2536 F. Failing to maintain site improvements, such as landscaping, parking or drainage
2537 control facilities as required by this code or other King County ordinances; and

2538 G. Undertaking any development within the shoreline jurisdiction without first obtaining
2539 a substantial development permit, statement of exemption, or an exempt activity that is not in
2540 compliance with the policy of RCW 90.58.020. chapter 173-26 WAC and the King County
2541 shoreline master program.

2542 NEW SECTION. SECTION 123. There is hereby added a new section to K.C.C.
2543 chapter 21A.06 to read as follows:

2544 Regional light rail transit: A public rail transit line that operates at grade level, above
2545 grade level, or in a tunnel and that provides high capacity, regional transit service owned or
2546 operated by a regional transit authority authorized under Chapter 81.112 RCW. A regional light
2547 rail transit system may be designed to share a street right-of-way although it may also use a
2548 separate right-of-way.

King County Shoreline Regulations

2549 SECTION 124. Ordinance 15051, Section 86, and K.C.C. 21A06.942 are each hereby
2550 amended to read as follows:

2551 Public road right-of-way structure: the existing, maintained, improved road right-of-way,
2552 regional light rail transit or railroad prism and the roadway drainage features including ditches
2553 and the associated surface water conveyance system, flow control and water quality treatment
2554 facilities and other structures that are ancillary to those facilities including catch-basins, access
2555 holes and culverts.

2556 SECTION 125. Ordinance 15051, Section 137, and K.C.C. 21A.24.045 are each hereby
2557 amended to read as follows:

2558 A. Within the following seven critical areas and their buffers all alterations are allowed if
2559 the alteration complies with the development standards, impact avoidance and mitigation
2560 requirements and other applicable requirements established in this chapter:

- 2561 1. Critical aquifer recharge area,
- 2562 2. Coal mine hazard area;
- 2563 3. Erosion hazard area;
- 2564 4. Flood hazard area except in the severe channel migration hazard area;
- 2565 5. Landslide hazard area under forty percent slope;
- 2566 6. Seismic hazard area; and
- 2567 7. Volcanic hazard areas.

2568 B. Within the following seven critical areas and their buffers, unless allowed as an
2569 alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C.
2570 of this section are allowed if the alteration complies with conditions in subsection D. of this

King County Shoreline Regulations

2571 section and the development standards, impact avoidance and mitigation requirements and other
 2572 applicable requirements established in this chapter:

- 2573 1. Severe channel migration hazard area;
 2574 2. Landslide hazard area over forty percent slope;
 2575 3. Steep slope hazard area;
 2576 4. Wetland;
 2577 5. Aquatic area;
 2578 6. Wildlife habitat conservation area; and
 2579 7. Wildlife habitat network.

2580 C. In the following table where an activity is included in more than one activity category,
 2581 the numbered conditions applicable to the most specific description of the activity governs.
 2582 Where more than one numbered condition appears for a listed activity, each of the relevant
 2583 conditions specified for that activity within the given critical area applies. For alterations
 2584 involving more than one critical area, compliance with the conditions applicable to each critical
 2585 area is required.

<p>KEY</p> <p>Letter "A" in a cell means alteration is allowed</p> <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</p>	L O A V N E D R S L 40% I D A E N	S A T N E D E P B U N S F L F O E	W B E U T F L F A E U N D A	A B C Q U H U F A A F N T E N I R E C A A N M	W A I N L D D L N I E F T E W O
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King County Shoreline Regulations

Habitat Conservation Area and Wildlife Habitat Network	H	A	Z	A	R	D	R	A	R
	D	B	U	F	F	E	R	I	R
	P	Z	A	Z	A	R	D	A	K
	R	H	A	Z	A	E	G	R	E
	N	A	A	A	V	N	E	I	A
	D	A	A	A	T	D	R	O	A
	E	R	R	D	E	N	A	R	K
	D	R	D	I	A	R	K	E	A
	R	E	A	T	I	O	N	A	R
	E	N	D	R	O	N	A	R	K
ACTIVITY									
Structures									
Construction of new single detached dwelling unit				A 1	A 2				
<u>Construction of a new tree-supported structure</u>				<u>A 63</u>	<u>A 63</u>			<u>A 63</u>	
Construction of nonresidential structure				A 3	A 3			A 3, 4	
Maintenance or repair of existing structure	A 5	A		A	A			A 4	
Expansion or replacement of existing structure	A 5, 7	A 5, 7		A 7, 8	A 6, 7, 8			A 4, 7	
Interior remodeling	A	A		A	A			A	
Construction of new dock or pier				A 9	A 9, 10, 11				
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11			A 4	
Grading									
Grading				A 13	A 14			A 4, 14	
Construction of new slope stabilization	A 15	A 15		A 15	A 15			A 4, 15	
Maintenance of existing slope stabilization	A 16	A 13		A 17	A 16, 17			A 4	
Mineral extraction	A	A							
Clearing									
Clearing	A 18	A 18, 19		A 18, 20	A 14, 18, 20			A 4, 14, 18, 20	

King County Shoreline Regulations

Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A22	A22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A26	A26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 4
Utilities and other infrastructure					

King County Shoreline Regulations

Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	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
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47

King County Shoreline Regulations

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
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

2586

D. The following alteration conditions apply:

King County Shoreline Regulations

2587 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
2588 limitations of subsection D.3. of this section.

2589 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created
2590 before January 1, 2005, if:

2591 a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-
2592 five percent of the lake frontage, whichever constitutes the most developable lake frontage, has
2593 existing density of four dwelling units per acre or more;

2594 b. the development proposal, including mitigation required by this chapter, will have
2595 the least adverse impact on the critical area;

2596 c. existing native vegetation within the critical area buffer will remain undisturbed
2597 except as necessary to accommodate the development proposal and required building setbacks;

2598 d. access is located to have the least adverse impact on the critical area and critical
2599 area buffer;

2600 e. the alteration is the minimum necessary to accommodate the development proposal
2601 and in no case in excess of a development footprint of five thousand square feet;

2602 f. the alteration does not exceed the residential development setbacks required under
2603 K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer than:

2604 (1) twenty-five feet of the ordinary high water mark of a lake shoreline designated
2605 urban under K.C.C. chapter 25.16;

2606 (2) fifty feet of the ordinary high water mark of a lake shoreline designated rural
2607 under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

2608 (3) one hundred feet of the ordinary high water mark of a lake shoreline designated
2609 natural under K.C.C. chapter 25.28; and

King County Shoreline Regulations

2610 g. to the maximum extent practical, alterations are mitigated on the development
2611 proposal site by enhancing or restoring remaining critical area buffers.

2612 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers
2613 of wetlands or aquatic areas where:

2614 a. the site is predominantly used for the practice of agriculture;

2615 b. the structure is in compliance with an approved farm management plan in
2616 accordance with K.C.C. 21A.24.051;

2617 c. the structure is either:

2618 (1) on or adjacent to existing nonresidential impervious surface areas, additional
2619 impervious surface area is not created waterward of any existing impervious surface areas and
2620 the area was not used for crop production;

2621 (2) higher in elevation and no closer to the critical area than its existing position; or

2622 (3) at a location away from existing impervious surface areas that is determined to be
2623 the optimum site in the farm management plan;

2624 d. all best management practices associated with the structure specified in the farm
2625 management plan are installed and maintained;

2626 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require
2627 the development of a farm management plan if required best management practices are followed
2628 and the installation does not require clearing of critical areas or their buffers; and

2629 f. in a severe channel migration hazard area portion of an aquatic buffer only if:

2630 (1) there is no feasible alternative location on-site;

2631 (2) the structure is located where it is least subject to risk from channel migration;

2632 (3) the structure is not used to house animals or store hazardous substances; ~~((and))~~

King County Shoreline Regulations

2633 (4) the total footprint of all accessory structures within the severe channel migration
2634 hazard area will not exceed the greater of one thousand square feet or two percent of the severe
2635 channel migration hazard area on the site; and

2636 (4) in the shoreline jurisdiction, any structures will not interfere with the natural
2637 hydrologic and geomorphic processes of channel migration.

2638 4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat
2639 conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.

2640 5. Allowed for structures when:

2641 a. the landslide hazard poses little or no risk of injury;

2642 b. the risk of landsliding is low; and

2643 c. there is not an expansion of the structure.

2644 6. Within a severe channel migration hazard area allowed for:

2645 a. existing legally established primary structures if:

2646 (1) there is not an increase of the footprint of any existing structure; and

2647 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; ~~((and))~~

2648 b. existing legally established accessory structures if:

2649 (1) additions to the footprint will not make the total footprint of all existing structures

2650 more than one-thousand square feet; and

2651 (2) there is not an expansion of the footprint towards any source of channel migration

2652 hazard, unless the applicant demonstrates that the location is less subject to risk and has less

2653 impact on the critical area; and

2654 c. in the shoreline jurisdiction, any structures will not interfere with the natural

2655 hydrologic and geomorphic processes of channel migration.

King County Shoreline Regulations

2656 7. Allowed only in grazed wet meadows or the buffer or building setback outside a
2657 severe channel migration hazard area if:

2658 a. the expansion or replacement does not increase the footprint of a nonresidential
2659 structure;

2660 b.(1) for a legally established dwelling unit, the expansion or replacement, including
2661 any expansion of a legally established accessory structure or impervious surfaces allowed under
2662 this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures
2663 by more than one thousand square feet, not including any expansion of a drainfield made
2664 necessary by the expansion of structures. To the maximum extent practical, the replacement or
2665 expansion of a drainfield in the buffer should be located within areas of existing lawn or
2666 landscaping, unless another location will have a lesser impact on the critical area and its buffer;

2667 (2) for a structure accessory to a dwelling unit, the expansion or replacement is
2668 located on or adjacent to existing impervious surface areas and does not result in a cumulative
2669 increase in the footprint of the accessory structure and the dwelling unit by more than one
2670 thousand square feet; (~~and~~)

2671 (3) the location of the expansion has the least adverse impact on the critical area; and

2672 (4) a comparable area of degraded buffer area shall be enhanced through removal of
2673 nonnative plants and replacement with native vegetation pursuant to an approved landscaping plan;

2674 c. the structure was not established as the result of an alteration exception, variance,
2675 buffer averaging or reasonable use exception; and

2676 d. to the maximum extent practical, the expansion or replacement is not located closer
2677 to the critical area or within the relic of a channel that can be connected to an aquatic area.

King County Shoreline Regulations

2678 8. Allowed upon another portion of an existing impervious surface outside a severe
2679 channel migration hazard area if:

2680 a. the structure is not located closer to the critical area; ~~((and))~~

2681 b. the existing impervious surface within the critical area or buffer is not expanded;

2682 and

2683 c. the degraded buffer area is enhanced through removal of nonnative plants and

2684 replacement with native vegetation pursuant to an approved landscaping plan.

2685 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or its
2686 buffer or along a lake shoreline or its buffer where:

2687 a. ~~((the existing and zoned density of all properties abutting the entire lake shoreline~~
2688 ~~averages three dwelling units per acre or more;~~

2689 ~~b. at least seventy five percent of the lots abutting the shoreline or seventy five~~
2690 ~~percent of the lake frontage, whichever constitutes the most lake frontage, has been developed~~
2691 ~~with dwelling units;~~

2692 e-)) b. the vegetation where the alteration is proposed does not consist of dominant
2693 native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this
2694 vegetation is not the result of any violation of law;

2695 ~~((b-))~~ c. the wetland or lake shoreline is not a salmonid spawning area; ~~((and))~~

2696 ~~((e-))~~ d. hazardous substances or toxic materials are not used; and

2697 e. if located on a freshwater lake, the pier or dock conforms to the standards for docks
2698 under K.C.C. 25.16.120 as recodified by this ordinance.

2699 10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are
2700 not used.

King County Shoreline Regulations

2701 11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard
2702 area if in compliance with (~~K.C.C. Title 25~~) K.C.C. 25.16.120 as recodified by this ordinance.

2703 12. When located on a lake, must be in compliance with (~~K.C.C. Title 25~~) K.C.C.
2704 25.16.120 as recodified by this ordinance.

2705 13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading
2706 activity.

2707 14. The following are allowed in the severe channel migration hazard area if conducted
2708 more than one((-)hundred and sixty-five feet from the ordinary high water mark in the rural area
2709 and one-hundred and fifteen feet from the ordinary high water mark in the urban area and if in
2710 the shoreline jurisdiction, any clearing or grading will not interfere with the natural hydrologic
2711 and geomorphic processes of channel migration:

2712 a. grading of up to fifty cubic yards on lot less than five acres; and

2713 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent
2714 of the severe channel migration hazard area.

2715 15. Only where erosion or landsliding threatens a structure, utility facility, roadway,
2716 driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization
2717 work does not disturb the slope and its vegetative cover and any associated critical areas.

2718 16. Allowed when performed by, at the direction of or authorized by a government
2719 agency in accordance with regional road maintenance guidelines.

2720 17. Allowed when not performed under the direction of a government agency only if:

2721 a. the maintenance or expansion does not involve the use of herbicides, hazardous
2722 substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

King County Shoreline Regulations

2723 b. when maintenance, expansion or replacement of bridges or culverts involves water
2724 used by salmonids:

2725 (1) the work is in compliance with ditch standards in public rule; and

2726 (2) the maintenance of culverts is limited to removal of sediment and debris from the
2727 culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or
2728 channel immediately adjacent to the culvert and shall not involve the excavation of a new
2729 sediment trap adjacent to the inlet.

2730 18. Allowed for the removal of hazard trees and vegetation as necessary for surveying
2731 or testing purposes.

2732 19. The limited trimming and pruning of vegetation for the making and maintenance of
2733 view corridors or habitat enhancement under a vegetation management plan approved by the
2734 department, if the soils are not disturbed and the activity will not adversely affect the long term
2735 slope stability or water quality or cause erosion. The vegetation management plan shall use
2736 native species with adequate root strength to add stability to a steep slope.

2737 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for
2738 restoration and enhancement projects is allowed.

2739 21. Cutting of firewood is subject to the following:

2740 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2741 b. within a wildlife network, cutting shall be in accordance with a management plan
2742 approved under K.C.C. 21A.24.386 by this ordinance; and

2743 c. within a critical area buffer, cutting shall be for personal use and in accordance with
2744 an approved forest management plan or rural stewardship plan.

King County Shoreline Regulations

2745 22. Allowed only in buffers if in accordance with best management practices approved
2746 by the King County fire marshal.

2747 23. Allowed as follows:

2748 a. if conducted in accordance with an approved forest management plan, farm
2749 management plan, or rural stewardship plan; or

2750 b. without an approved forest management plan, farm management plan or rural
2751 stewardship plan, only if:

2752 (1) removal is undertaken with hand labor, including hand-held mechanical tools,
2753 unless the King County noxious weed control board otherwise prescribes the use of riding
2754 mowers, light mechanical cultivating equipment or herbicides or biological control methods;

2755 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2756 (3) the cleared area is revegetated with native vegetation and stabilized against
2757 erosion; and

2758 (4) herbicide use is in accordance with federal and state law;

2759 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2760 a. a forest management plan is approved for the site by the King County department of
2761 natural resources and parks; and

2762 b. the property owner provides a notice of intent in accordance with RCW 76.09.060
2763 that the site will not be converted to nonforestry uses within six years.

2764 25. Only if in compliance with published Washington state Department of Fish and
2765 Wildlife and Washington state Department of Natural Resources Management standards for the
2766 species. If there are no published Washington state standards, only if in compliance with
2767 management standards determined by the county to be consistent with best available science.

King County Shoreline Regulations

- 2768 26. Allowed only if:
- 2769 a. there is not another feasible location with less adverse impact on the critical area
- 2770 and its buffer;
- 2771 b. the corridor is not located over habitat used for salmonid rearing or spawning or by
- 2772 a species listed as endangered or threatened by the state or federal government unless the
- 2773 department determines that there is no other feasible crossing site.
- 2774 c. the corridor width is minimized to the maximum extent practical;
- 2775 d. the construction occurs during approved periods for instream work;
- 2776 e. the corridor will not change or diminish the overall aquatic area flow peaks,
- 2777 duration or volume or the flood storage capacity; and
- 2778 f. no new public right-of-way is established within a severe channel migration hazard
- 2779 area.
- 2780 27. To the maximum extent practical, during breeding season established under K.C.C.
- 2781 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are
- 2782 not operated within a wildlife habitat conservation area.
- 2783 28. Allowed only if:
- 2784 a. an alternative access is not available;
- 2785 b. impact to the critical area is minimized to the maximum extent practical including
- 2786 the use of walls to limit the amount of cut and fill necessary;
- 2787 c. the risk associated with landslide and erosion is minimized;
- 2788 d. access is located where it is least subject to risk from channel migration; and
- 2789 e. construction occurs during approved periods for instream work.

King County Shoreline Regulations

- 2790 29. Only if in compliance with a farm management plan in accordance with K.C.C.
2791 21A.24.051.
- 2792 30. Allowed only if:
- 2793 a. the replacement is made fish passable in accordance with the most recent
2794 Washington state Department of Fish and Wildlife manuals or with the National Marine and
2795 Fisheries Services guidelines for federally listed salmonid species; and
- 2796 b. the site is restored with appropriate native vegetation.
- 2797 31. Allowed if necessary to bring the bridge or culvert up to current standards and if:
- 2798 a. there is not another feasible alternative available with less impact on the aquatic
2799 area and its buffer; and
- 2800 b. to the maximum extent practical, the bridge or culvert is located to minimize
2801 impacts to the aquatic area and its buffer's.
- 2802 32. Allowed in an existing roadway if conducted consistent with the regional road
2803 maintenance guidelines.
- 2804 33. Allowed outside the roadway if:
- 2805 a. the alterations will not subject the critical area to an increased risk of landslide or
2806 erosion;
- 2807 b. vegetation removal is the minimum necessary to locate the utility or construct the
2808 corridor; and
- 2809 c. significant risk of personal injury is eliminated or minimized in the landslide hazard
2810 area.
- 2811 34. Limited to the pipelines, cables, wires and support structures of utility facilities
2812 within utility corridors if:

King County Shoreline Regulations

2813 a. there is no alternative location with less adverse impact on the critical area and
2814 critical area buffer;

2815 b. new utility corridors meet the all of the following to the maximum extent practical:

2816 (1) are not located over habitat used for salmonid rearing or spawning or by a species
2817 listed as endangered or threatened by the state or federal government unless the department
2818 determines that there is no other feasible crossing site;

2819 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2820 (3) paralleling the channel or following a down-valley route near the channel is
2821 avoided;

2822 c. to the maximum extent practical utility corridors are located so that:

2823 (1) the width is the minimized;

2824 (2) the removal of trees greater than twelve inches diameter at breast height is
2825 minimized;

2826 (3) an additional, contiguous and undisturbed critical area buffer, equal in area to the
2827 disturbed critical area buffer area including any allowed maintenance roads, is provided to
2828 protect the critical area;

2829 d. to the maximum extent practical, access for maintenance is at limited access points
2830 into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance
2831 road is necessary the following standards are met:

2832 (1) to the maximum extent practical the width of the maintenance road is minimized
2833 and in no event greater than fifteen feet; and

2834 (2) the location of the maintenance road is contiguous to the utility corridor on the
2835 side of the utility corridor farthest from the critical area;

King County Shoreline Regulations

- 2836 e. the utility corridor or facility will not adversely impact the overall critical area
2837 hydrology or diminish flood storage capacity;
- 2838 f. the construction occurs during approved periods for instream work;
- 2839 g. the utility corridor serves multiple purposes and properties to the maximum extent
2840 practical;
- 2841 h. bridges or other construction techniques that do not disturb the critical areas are
2842 used to the maximum extent practical;
- 2843 i. bored, drilled or other trenchless crossing is laterally constructed at least four feet
2844 below the maximum depth of scour for the base flood;
- 2845 j. bridge piers or abutments for bridge crossing are not placed within the FEMA
2846 floodway or the ordinary high water mark;
- 2847 k. open trenching is only used during low flow periods or only within aquatic areas
2848 when they are dry. The department may approve open trenching of type S or F aquatic areas
2849 only if there is not a feasible alternative and equivalent or greater environmental protection can
2850 be achieved; and
- 2851 l. minor communication facilities may collocate on existing utility facilities if:
- 2852 (1) no new transmission support structure is required; and
- 2853 (2) equipment cabinets are located on the transmission support structure.
- 2854 35. Allowed only for new utility facilities in existing utility corridors.
- 2855 36. Allowed for private individual utility service connections on site or to public
2856 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
2857 fertilizers are applied.

King County Shoreline Regulations

2858 37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum
2859 extent practical and no hazardous substances, pesticides or fertilizers are applied.

2860 38. Allowed if:

2861 a. conveying the surface water into the wetland or aquatic area buffer and discharging
2862 into the wetland or aquatic area buffer or at the wetland or aquatic area edge has less adverse
2863 impact upon the wetland or aquatic area or wetland or aquatic area buffer than if the surface
2864 water were discharged at the buffer's edge and allowed to naturally drain through the buffer;

2865 b. the volume of discharge is minimized through application of low impact
2866 development and water quality measures identified in the King County Surface Water Design
2867 Manual;

2868 c. the conveyance and outfall are installed with hand equipment where feasible;

2869 d. the outfall shall include bioengineering techniques where feasible; and

2870 e. the outfall is designed to minimize adverse impacts to critical areas.

2871 39. Allowed only if:

2872 a. there is no feasible alternative with less impact on the critical area and its buffer;

2873 b. to the maximum extent practical, the bridge or culvert is located to minimize
2874 impacts to the critical area and its buffer;

2875 c. the bridge or culvert is not located over habitat used for salmonid rearing or
2876 spawning unless there is no other feasible crossing site;

2877 d. construction occurs during approved periods for in-stream work; and

2878 e. bridge piers or abutments for bridge crossings are not placed within the FEMA
2879 floodway, severe channel migration hazard area or waterward of the ordinary high water mark.

King County Shoreline Regulations

- 2880 40. Allowed for an open, vegetated stormwater management conveyance system and
2881 outfall structure that simulates natural conditions if:
- 2882 a. fish habitat features necessary for feeding, cover and reproduction are included
2883 when appropriate;
- 2884 b. vegetation is maintained and added adjacent to all open channels and ponds, if
2885 necessary to prevent erosion, filter out sediments or shade the water; and
- 2886 c. bioengineering techniques are used to the maximum extent practical.
- 2887 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 2888 a. necessary to avoid erosion of slopes; and
- 2889 b. bioengineering techniques are used to the maximum extent practical.
- 2890 42. Allowed in a severe channel migration hazard area or an aquatic area buffer to
2891 prevent bank erosion only:
- 2892 a. if consistent with the Integrated Streambank Protection Guidelines (Washington
2893 State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to
2894 the maximum extent practical, unless the applicant demonstrates that other methods provide
2895 equivalent structural stabilization and environmental function;
- 2896 b. based on a critical areas report, the department determines that the new flood
2897 protection facility will not cause significant impacts to upstream or downstream properties; and
- 2898 c. to prevent bank erosion for the protection of:
- 2899 (1) public roadways;
- 2900 (2) sole access routes in existence before February 16, 1995;
- 2901 (3) new primary dwelling units, accessory dwelling units or accessory living quarters
2902 and residential accessory structures located outside the severe channel migration hazard area if:

King County Shoreline Regulations

2903 (a) the site is adjacent to or abutted by properties on both sides containing buildings
2904 or sole access routes protected by legal bank stabilization in existence before February 16, 1995.
2905 The buildings, sole access routes or bank stabilization must be located no more than six hundred
2906 feet apart as measured parallel to the migrating channel; and

2907 (b) the new primary dwelling units, accessory dwelling units, accessory living
2908 quarters or residential accessory structures are located no closer to the aquatic area than existing
2909 primary dwelling units, accessory dwelling units, accessory living quarters or residential
2910 accessory structures on abutting or adjacent properties; or

2911 (4) existing primary dwelling units, accessory dwelling units, accessory living
2912 quarters or residential accessory structures if:

2913 (a) the structure was in existence before the adoption date of a King County
2914 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2915 (b) the structure is in imminent danger, as determined by a geologist, engineering
2916 geologist or geotechnical engineer;

2917 (c) the applicant has demonstrated that the existing structure is at risk, and the
2918 structure and supporting infrastructure cannot be relocated on the lot further from the source of
2919 channel migration; and

2920 (d) nonstructural measures are not feasible.

2921 43. Applies to lawfully established existing structures if:

2922 a. the height of the facility is not increased, unless the facility is being replaced in a
2923 new alignment that is landward of the previous alignment and enhances aquatic area habitat and
2924 process;

King County Shoreline Regulations

2925 b. the linear length of the facility is not increased, unless the facility is being replaced
2926 in a new alignment that is landward of the previous alignment and enhances aquatic area habitat
2927 and process;

2928 c. the footprint of the facility is not expanded waterward;

2929 d. consistent with the Integrated Streambank Protection Guidelines (Washington State
2930 Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the
2931 maximum extent practical;

2932 e. the site is restored with appropriate native vegetation and erosion protection
2933 materials; and

2934 f. based on a critical areas report, the department determines that the maintenance,
2935 repair, replacement or construction will not cause significant impacts to upstream or downstream
2936 properties.

2937 44. Allowed in type N and O aquatic areas if done in least impacting way at least
2938 impacting time of year, in conformance with applicable best management practices, and all
2939 affected instream and buffer features are restored.

2940 45. Allowed in a type S or F water when such work is:

2941 a. included as part of a project to evaluate, restore or improve habitat, and

2942 b. sponsored or cosponsored by a public agency that has natural resource management
2943 as a function or by a federally recognized tribe.

2944 46. Allowed as long as the trail is not constructed of impervious surfaces that will
2945 contribute to surface water run-off, unless the construction is necessary for soil stabilization or
2946 soil erosion prevention or unless the trail system is specifically designed and intended to be
2947 accessible to handicapped persons.

King County Shoreline Regulations

- 2948 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the
2949 buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:
- 2950 a. the trail surface is made of pervious materials, except that public multipurpose trails
2951 may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12.
2952 A trail that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;
- 2953 b. to the maximum extent practical, buffers are expanded equal to the width of the trail
2954 corridor including disturbed areas;
- 2955 c. there is not another feasible location with less adverse impact on the critical area
2956 and its buffer;
- 2957 d. the trail is not located over habitat used for salmonid rearing or spawning or by a
2958 species listed as endangered or threatened by the state or federal government unless the
2959 department determines that there is no other feasible crossing site;
- 2960 e. the trail width is minimized to the maximum extent practical;
- 2961 f. the construction occurs during approved periods for instream work; and
- 2962 g. the trail corridor will not change or diminish the overall aquatic area flow peaks,
2963 duration or volume or the flood storage capacity.
- 2964 h. the trail may be located across a critical area buffer for access to a viewing platform
2965 or to a permitted dock or pier;
- 2966 i. A private viewing platform may be allowed if it is:
- 2967 (1) located upland from the wetland edge or the ordinary high water mark of an
2968 aquatic area;
- 2969 (2) located where it will not be detrimental to the functions of the wetland or aquatic
2970 area and will have the least adverse environmental impact on the critical area or its buffer;

King County Shoreline Regulations

- 2971 (3) limited to fifty square feet in size;
- 2972 (4) constructed of materials that are non-toxic; and
- 2973 (5) on footings located outside of the wetland or aquatic area.
- 2974 48. Only if the maintenance:
- 2975 a. does not involve the use of herbicides or other hazardous substances except for the
- 2976 removal of noxious weeds or invasive vegetation;
- 2977 b. when salmonids are present, the maintenance is in compliance with ditch standards
- 2978 in public rule; and
- 2979 c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert,
- 2980 engineered slope or other improved area being maintained.
- 2981 49. Limited to alterations to restore habitat forming processes or directly restore habitat
- 2982 function and value, including access for construction, as follows:
- 2983 a. projects sponsored or cosponsored by a public agency that has natural resource
- 2984 management as a primary function or by a federally recognized tribe;
- 2985 b. restoration and enhancement plans prepared by a qualified biologist; or
- 2986 c. conducted in accordance with an approved forest management plan, farm
- 2987 management plan or rural stewardship plan.
- 2988 50. Allowed in accordance with a scientific sampling permit issued by Washington
- 2989 state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the
- 2990 Endangered Species Act.
- 2991 51. Allowed for the minimal clearing and grading, including site access, necessary to
- 2992 prepare critical area reports.
- 2993 52. The following are allowed if associated spoils are contained:

King County Shoreline Regulations

2994 a. data collection and research if carried out to the maximum extent practical by
2995 nonmechanical or hand-held equipment;
2996 b. survey monument placement;
2997 c. site exploration and gage installation if performed in accordance with state-
2998 approved sampling protocols and accomplished to the maximum extent practical by hand-held
2999 equipment and; or similar work associated with an incidental take permit issued under Section 10
3000 or consultation under Section 7 of the Endangered Species Act.

3001 53. Limited to activities in continuous existence since January 1, 2005, with no
3002 expansion within the critical area or critical area buffer. "Continuous existence" includes
3003 cyclical operations and managed periods of soil restoration, enhancement or other fallow states
3004 associated with these horticultural and agricultural activities.

3005 54. Allowed for expansion of existing or new agricultural activities where:

3006 a. the site is predominantly involved in the practice of agriculture;

3007 b. there is no expansion into an area that:

3008 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
3009 practice permit; or

3010 (2) is more than ten thousand square feet with tree cover at a uniform density more
3011 than ninety trees per acre and with the predominant mainstream diameter of the trees at least four
3012 inches diameter at breast height, not including areas that are actively managed as agricultural
3013 crops for pulpwood, Christmas trees or ornamental nursery stock;

3014 c. the activities are in compliance with an approved farm management plan in
3015 accordance with K.C.C. 21A.24.051; and

King County Shoreline Regulations

3016 d. all best management practices associated with the activities specified in the farm
3017 management plan are installed and maintained.

3018 55. Only allowed in grazed or tilled wet meadows or their buffers if:

3019 a. the facilities are designed to the standards of an approved farm management plan in
3020 accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with
3021 K.C.C. chapter 21A.30;

3022 b. there is not a feasible alternative location available on the site; and

3023 c. the facilities are located close to the outside edge of the buffer to the maximum
3024 extent practical.

3025 56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
3026 if:

3027 a. the facilities are designed to the standards in an approved farm management plan in
3028 accordance with K.C.C. 21A.24.051;

3029 b. there is not a feasible alternative location available on the site; (~~and~~)

3030 c. the structure is located where it is least subject to risk from channel migration; and

3031 d. in the shoreline jurisdiction, any structures will not interfere with the natural
3032 hydrologic and geomorphic processes of channel migration.

3033 57. Allowed for new agricultural drainage in compliance with an approved farm
3034 management plan in accordance with K.C.C. 21A.24.051 and all best management practices
3035 associated with the activities specified in the farm management plan are installed and
3036 maintained.

3037 58. If the agricultural drainage is used by salmonids, maintenance shall be in
3038 compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

King County Shoreline Regulations

3039 59. Allowed within existing landscaped areas or other previously disturbed areas.

3040 60. Allowed for residential utility service distribution lines to residential dwellings,
3041 including, but not limited to, well water conveyance, septic system conveyance, water service,
3042 sewer service, natural gas, electrical, cable and telephone, if:

3043 a. there is no alternative location with less adverse impact on the critical area or the
3044 critical area buffer;

3045 b. the residential utility service distribution lines meet the all of the following, to the
3046 maximum extent practical:

3047 (1) are not located over habitat used for salmonid rearing or spawning or by a species
3048 listed as endangered or threatened by the state or federal government unless the department
3049 determines that there is no other feasible crossing site;

3050 (2) not located over a type S aquatic area;

3051 (3) paralleling the channel or following a down-valley route near the channel is
3052 avoided;

3053 (4) the width of clearing is minimized;

3054 (5) the removal of trees greater than twelve inches diameter at breast height is
3055 minimized;

3056 (6) an additional, contiguous and undisturbed critical area buffer, equal in area to the
3057 disturbed critical area buffer area is provided to protect the critical area;

3058 (7) access for maintenance is at limited access points into the critical area buffer.

3059 (8) the construction occurs during approved periods for instream work;

3060 (9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally
3061 constructed at least four feet below the maximum depth of scour for the base flood; and

King County Shoreline Regulations

3062 (10) open trenching across Type O or Type N aquatic areas is only used during low
3063 flow periods or only within aquatic areas when they are dry.

3064 61. Allowed if sponsored or cosponsored by the countywide flood control zone district
3065 and the department determines that the project and its location:

3066 a. is the best flood risk reduction alternative practicable;

3067 b. is part of a comprehensive, long-term flood management strategy;

3068 c. is consistent with the King County Flood Hazard Management Plan policies;

3069 d. will have the least adverse impact on the ecological functions of the critical area or

3070 its buffer, including habitat for fish and wildlife that are identified for protection in the King

3071 County Comprehensive Plan; and

3072 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

3073 62.a. Not allowed in wildlife habitat conservation areas;

3074 b. Only allowed if:

3075 (1) the project is sponsored or cosponsored by a public agency whose primary
3076 function deals with natural resources management;

3077 (2) the project is located on public land or on land that is owned by a non-profit
3078 agency whose primary function deals with natural resources management;

3079 (3) there is not a feasible alternative location available on the site with less impact to
3080 the critical area or its associated buffer;

3081 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

3082 (5) the project minimizes the footprint of structures and the number of access points
3083 to any critical areas; and

3084 (6) the project meets the following design criteria:

King County Shoreline Regulations

3085 (A) to the maximum extent practical size of platform shall not exceed one hundred
3086 square feet;

3087 (B) all construction materials for any structures, including the platform, pilings,
3088 exterior and interior walls and roof, are constructed of nontoxic material, such as nontreated
3089 wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete
3090 that the department determines will not have an adverse impact on water quality;

3091 (C) the exterior of any structures are sufficiently camouflaged using netting or
3092 equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical.
3093 The camouflage shall be maintained to retain concealment effectiveness;

3094 (D) structures shall be located outside of the wetland or aquatic area landward of
3095 the Ordinary High Water Mark or open water component (if applicable) to the maximum extent
3096 practical on the site;

3097 (E) construction occurs during approved periods for work inside the Ordinary High
3098 Water Mark;

3099 (F) construction associated with bird blinds shall not occur from March 1 through
3100 August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing
3101 seasons;

3102 (G) to the maximum extent practical, provide accessibility for persons with physical
3103 disabilities in accordance with the International Building Code;

3104 (H) trail access is designed in accordance with public rules adopted by the
3105 department;

King County Shoreline Regulations

3106 (I) existing native vegetation within the critical area will remain undisturbed except
3107 as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is
3108 allowed; and

3109 (J) disturbed bare ground areas around the structure must be replanted with native
3110 vegetation approved by the department.

3111 63. Only structures wholly or partially supported by a tree and used as accessory living
3112 quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

3113 a. not allowed in wildlife habitat conservation areas or severe channel migration
3114 hazard areas;

3115 b. the structure's floor area shall not exceed two hundred square feet, excluding a
3116 narrow access stairway or landing leading to the structure;

3117 c. the structure shall be located as far from the critical area as practical, but in no case
3118 closer than seventy-five feet from the critical area;

3119 d. only one tree-supported structure within a critical area buffer is allowed on a lot;

3120 e. all construction materials for the structure, including the platform, pilings, exterior
3121 and interior walls and roof, shall be constructed of non-toxic material, such as non-treated wood,
3122 vinyl-coated wood, non-galvanized steel, plastic, plastic wood, fiberglass, or cured concrete that
3123 the department determines will not have an adverse impact on water quality;

3124 f. to the maximum extent practical, the exterior of the structure shall be camouflaged
3125 with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the
3126 critical area. The camouflage shall be maintained to retain concealment effectiveness;

3127 g. the structure must not adversely impact the long-term health and viability of the
3128 tree. The evaluation shall include, but not be limited to, the following:

King County Shoreline Regulations

3129 (1) the quantity of supporting anchors and connection points to attach the tree house
3130 to the tree shall be the minimum necessary to adequately support the structure;

3131 (2) the attachments shall be constructed using the best available tree anchor bolt
3132 technology; and

3133 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the
3134 tree house and shall submit a report discussing how the tree's long-term health and viability will
3135 not be negatively impacted by the tree house or associated infrastructure;

3136 h. exterior lighting shall meet the following criteria:

3137 (1) limited to the minimum quantity of lights necessary to meet the building code
3138 requirements to allow for safe exiting of the structure and stairway, and

3139 (2) exterior lights shall be fully shielded and shall direct light downward, in an
3140 attempt to minimize impacts to the nighttime environment;

3141 i. unless otherwise approved by the department, all external construction shall be
3142 limited to September 1 through March 1 in order to avoid disturbance to wildlife species during
3143 typical breeding, nesting, and rearing seasons;

3144 j. trail access to the structure shall be designed in accordance with trail standards
3145 under subsection D.47 of this section;

3146 k. to the maximum extent practical, existing native vegetation shall be left
3147 undisturbed. Only minimal hand clearing of vegetation is allowed; and

3148 l. vegetated areas within the critical area buffer that are temporarily impacted by
3149 construction of the structure shall be restored by planting native vegetation according to a
3150 vegetation management plan approved by the department.

King County Shoreline Regulations

3151 SECTION 126. Ordinance 15051, Section 139, and K.C.C. 21A.24.055 are each hereby
3152 amended to read as follows:

3153 A. On a site zoned RA, the department may approve a modification of the minimum
3154 buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum
3155 clearing restrictions through a rural stewardship plan for single family detached residential
3156 development in accordance with this section.

3157 B. The property owner or applicant shall develop the rural stewardship plan as part of a
3158 rural stewardship program offered or approved by King County and has the option of
3159 incorporating appropriate components of a county-approved farm management or a county-
3160 approved forest stewardship plan.

3161 C. In its evaluation of any proposed modification of the minimum buffer widths for
3162 aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
3163 restrictions, the department shall consider the following factors:

- 3164 1. The existing condition of the drainage basin or marine shoreline as designated on the
3165 Basin and Shoreline Conditions Map;
- 3166 2. The existing condition of wetland and aquatic area buffers;
- 3167 3. The existing condition of wetland functions based on the adopted Washington State
3168 Wetland Rating System for Western Washington, Washington state department of ecology
3169 publication number 04-06-025, published August 2004;
- 3170 4. The location of the site in the drainage basin;
- 3171 5. The percentage of impervious surfaces and clearing on the site; and
- 3172 6. Any existing development on the site that was approved as a result of a variance or
3173 alteration exception that allowed development within a critical area or critical area buffer. If the

King County Shoreline Regulations

3174 existing development was approved through a variance or alteration exception, the rural
3175 stewardship plan shall demonstrate that the plan will result in enhancing the functions and values
3176 of critical areas located on the site as if the development approved through the variance or
3177 alteration exception had not occurred.

3178 D. A rural stewardship plan does not modify the requirement for permits for activities
3179 covered by the rural stewardship plan.

3180 E. Modifications of critical area buffers shall be based on the following prioritized goals:

3181 1. To avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction to
3182 the maximum extent practical;

3183 2. To avoid impacts to the higher quality wetland or aquatic area or the more protected
3184 fish or wildlife species, if there is a potential to affect more than one category of wetland or
3185 aquatic area or more than one species of native fish or wildlife;

3186 3. To maintain or enhance the natural hydrologic systems on the site to the maximum
3187 extent practical;

3188 4. To maintain, restore or enhance native vegetation;

3189 5. To maintain, restore or enhance the function and value of critical areas or critical
3190 area buffers located on the site;

3191 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian
3192 corridors, wildlife habitat conservation areas and other priority habitats;

3193 7. To minimize the impacts of development over time by implementing best
3194 management practices and meeting performance standards during the life of the development;

3195 and

King County Shoreline Regulations

3196 8. To monitor the effectiveness of the stewardship practices and implement additional
3197 practices through adaptive management to maintain, restore or enhance critical area functions
3198 when necessary.

3199 F. If a part or all of the site is located within the shoreline jurisdiction, the rural
3200 stewardship plan shall:

3201 1. Consider and be consistent with the goals of the Shoreline Management Act and the
3202 policies of the King County Shoreline Master Program;

3203 2. Consider the priorities of the King County Shoreline Protection and Restoration Plan;
3204 and

3205 3. Ensure no net loss of ecological processes and functions.

3206 G. A rural stewardship plan may include, but is not limited to, the following elements:

3207 1. Critical areas designation under K.C.C. 21A.24.500;

3208 2. Identification of structures, cleared and forested areas and other significant features
3209 on the site;

3210 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3211 4. Analysis of impacts of planned changes to any existing structures, for other changes
3212 to the site that involve clearing or grading or for new development;

3213 5. Site-specific best management practices that mitigate impacts of development and
3214 that protect and enhance the ecological values and functions of the site;

3215 6. A schedule for implementation of the elements of the rural stewardship plan; and

3216 7. A plan for monitoring the effectiveness of measures approved under the rural
3217 stewardship plan and to modify if adverse impacts occur.

King County Shoreline Regulations

3218 ~~((G.))~~ H. A rural stewardship plan may be developed as part of a program offered or
3219 approved by King County and shall include a site inspection by the county to verify that the plan
3220 is reasonably likely to accomplish the goals in subsection E. of this section to protect water
3221 quality, reduce flooding and erosion, maintain, restore or enhance the function and value of
3222 critical areas and their buffers and maintain or enhance native vegetation on the site of this
3223 section.

3224 ~~((H.))~~ I. A property owner who completes a rural stewardship plan that is approved by
3225 the county may be eligible for tax benefits under the public benefit rating system in accordance
3226 with K.C.C. 20.36.100.

3227 ~~((I.))~~ J. If a property owner withdraws from the rural stewardship plan, in addition to any
3228 applicable penalties under the public benefit rating system, the following apply:

3229 1. Mitigation is required for any structures constructed in critical area buffers under the
3230 rural stewardship plan; and

3231 2. The property owner shall apply for buffer averaging or an alteration exception, as
3232 appropriate, to permit any structure or use that has been established under the rural stewardship
3233 plan and that would not otherwise be permitted under this chapter.

3234 ~~((J.))~~ K. A rural stewardship plan is not effective until approved by the county. Before
3235 approval, the county may conduct a site inspection, which may be through a program offered or
3236 approved by King County, to verify that the plan is reasonably likely to accomplish the goals in
3237 subsection E. of this section.

3238 ~~((K.))~~ L. Once approved, activities carried out in compliance with the approved rural
3239 stewardship plan shall be deemed in compliance with this chapter. In the event of a potential
3240 code enforcement action, the department of development and environmental services shall first

King County Shoreline Regulations

3241 inform the department of natural resources and parks of the activity. Prior to taking code
3242 enforcement action, the department of development and environmental services shall consult
3243 with the department of natural resources and parks to determine whether the activity is consistent
3244 with the rural stewardship plan.

3245 SECTION 127. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are
3246 each hereby amended to read as follows:

3247 A. The director may approve alterations to critical areas, critical area buffers and critical
3248 area setbacks not otherwise allowed by this chapter as follows:

3249 1. ~~((F))~~Except as otherwise provided in subsection A.2 of this section, for linear
3250 alterations, the director may approve alterations to critical areas, critical area buffers and critical
3251 area setbacks only when all of the following criteria are met:

3252 a. there is no feasible alternative to the development proposal with less adverse impact
3253 on the critical area;

3254 b. the proposal minimizes the adverse impact on critical areas to the maximum extent
3255 practical;

3256 c. the approval does not require the modification of a critical area development
3257 standard established by this chapter;

3258 d. the development proposal does not pose an unreasonable threat to the public health,
3259 safety or welfare on or off the development proposal site and is consistent with the general
3260 purposes of this chapter and the public interest;

3261 e. the linear alteration:

King County Shoreline Regulations

3262 (1) connects to or is an alteration to a public roadway, regional light rail transit line,
3263 public trail, a utility corridor or utility facility or other public infrastructure owned or operated by
3264 a public utility; or

3265 (2) is required to overcome limitations due to gravity; ~~((and))~~

3266 2. If the linear alteration involves the siting of a regional light rail transit facility, the
3267 director may approve alterations to critical areas, critical area buffers and critical area setbacks
3268 not otherwise allowed by this chapter, if the regional light rail transit authority demonstrates to
3269 the satisfaction of the director that it has conducted an environmental review and concluded that
3270 there is not another feasible location with less adverse impact on the critical area and its buffer;
3271 and

3272 3. For nonlinear alterations the director may approve alterations to critical areas except
3273 wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and
3274 wildlife habitat conservation areas, and alterations to critical area buffers and critical area
3275 setbacks, when all of the following criteria are met:

3276 a. there is no feasible alternative to the development proposal with less adverse impact
3277 on the critical area;

3278 b. the alteration is the minimum necessary to accommodate the development proposal;

3279 c. the approval does not require the modification of a critical area development
3280 standard established by this chapter;

3281 d. the development proposal does not pose an unreasonable threat to the public health,
3282 safety or welfare on or off the development proposal site and is consistent with the general
3283 purposes of this chapter and the public interest;

King County Shoreline Regulations

3284 e. for dwelling units, no more than five thousand square feet or ten percent of the site,
3285 whichever is greater, may be disturbed by structures, building setbacks or other land alteration,
3286 including grading, utility installations and landscaping, but not including the area used for a
3287 driveway or for an on-site sewage disposal system;

3288 f. to the maximum extent possible, access is located to have the least adverse impact
3289 on the critical area and critical area buffer;

3290 g. the critical area is not used as a salmonid spawning area; and

3291 h. the director may approve an alteration in a category II, III and IV wetland for
3292 development of a public school facility.

3293 B. The director may approve alterations to critical areas, critical area buffers and critical
3294 area setbacks if the application of this chapter would deny all reasonable use of the property((-))
3295 as follows:

3296 1. If the critical area, critical area buffer, or critical area setback is outside of the
3297 shoreline jurisdiction, ((F))the applicant may apply for a reasonable use exception pursuant to
3298 this subsection without first having applied for an alteration exception under this section if the
3299 requested reasonable use exception includes relief from development standards for which an
3300 alteration exception cannot be granted pursuant to the provisions of this section. The director
3301 shall determine that all of the following criteria are met:

3302 a. there is no other reasonable use with less adverse impact on the critical area;

3303 b. the development proposal does not pose an unreasonable threat to the public health,
3304 safety or welfare on or off the development proposal site and is consistent with the general
3305 purposes of this chapter and the public interest;

King County Shoreline Regulations

3306 c. any authorized alteration to the critical area or critical area buffer is the minimum
3307 necessary to allow for reasonable use of the property; and

3308 d. for dwelling units, no more than five thousand square feet or ten percent of the site,
3309 whichever is greater, may be disturbed by structures, building setbacks or other land alteration,
3310 including grading, utility installations and landscaping but not including the area used for a
3311 driveway or for an on-site sewage disposal system; and

3312 2. If the critical area, critical area buffer, or critical area setback is located within the
3313 shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for
3314 a shoreline variance under K.C.C. 25.32.040 (as recodified and amended by this ordinance).

3315 C. For the purpose of this section, "linear" alteration means infrastructure that supports
3316 development, that is linear in nature and includes public and private roadways, public trails,
3317 private driveways, railroads, regional light rail transit, utility corridors and utility facilities.

3318 D. Alteration exceptions approved under this section shall meet the mitigation
3319 requirements of this chapter.

3320 E. An applicant for an alteration exception shall submit a critical area report, as required
3321 by K.C.C. 21A.24.110.

3322 SECTION 128. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are
3323 each hereby amended to read as follows:

3324 The following development standards apply to development proposal and alterations on
3325 sites within channel migration zones that have been mapped and adopted by public rule:

3326 A. The development standards that apply to the aquatic area buffers in K.C.C. 21A.24.365
3327 also apply to the severe channel migration zone and the portion of the moderate channel migration

King County Shoreline Regulations

3328 zone that is within the aquatic area buffer. The more-restrictive standards apply where there is a
3329 conflict;

3330 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe
3331 channel migration hazard area;

3332 C. The following standards apply to development proposals and alterations within the
3333 moderate channel migration hazard area:

3334 1. Maintenance, repair or expansion of any use or structure is allowed if the existing
3335 structure's footprint is not expanded towards any source of channel migration hazard, unless the
3336 applicant can demonstrate that the location is the least subject to risk;

3337 2. New primary dwelling units, accessory dwelling units or accessory living quarters, and
3338 required infrastructure, are allowed if:

3339 a. the structure is located on a separate lot in existence on or before February 16, 1995;

3340 b. a feasible alternative location outside of the channel migration hazard area is not
3341 available on-site; and

3342 c. to the maximum extent practical, the structure and supporting infrastructure is located
3343 the farthest distance from any source of channel migration hazard, unless the applicant can
3344 demonstrate that an alternative location is:

3345 (1) the least subject to risk; or

3346 (2) within the outer third of the moderate channel migration hazard area as measured
3347 perpendicular to the channel;

3348 3. New accessory structures are allowed if:

3349 a. a feasible alternative location is not available on-site; and

King County Shoreline Regulations

3350 b. to the maximum extent practical, the structure is located the farthest distance from the
3351 migrating channel; and

3352 4. The subdivision of property is allowed within the portion of a moderate channel
3353 migration hazard area located outside an aquatic area buffer if:

3354 a. All lots contain five-thousand square feet or more of buildable land outside of the
3355 moderate channel migration hazard area;

3356 b. Access to all lots does not cross the moderate channel migration hazard area; and

3357 c. All infrastructure is located outside the moderate channel migration hazard area
3358 except that an on-site septic system is allowed in the moderate channel migration hazard area if:

3359 (1) a feasible alternative location is not available on-site; and

3360 (2) to the maximum extent practical, the septic system is located the farthest distance
3361 from the migrating channel; and

3362 D. In the shoreline jurisdiction, any development proposals or alterations will not
3363 interfere with the natural hydrologic and geomorphic processes of channel migration.

3364 SECTION 129. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are
3365 each hereby amended to read as follows:

3366 Except as otherwise provided in this section, buffers shall be provided from the wetland
3367 edge as follows:

3368 A. In the Urban Growth Area, buffers for wetlands shall be established in accordance
3369 with the following standards:

3370 1. The standard buffer widths of the following table shall apply unless modified in
3371 accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
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King County Shoreline Regulations

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria above	125 feet
Category II	
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
Category II wetlands not meeting any of the criteria above	100 feet
Category III	

King County Shoreline Regulations

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria above	75 feet
Category IV	50 feet

3372 2. If a Category I or II wetland with habitat score greater than twenty points is located
 3373 within three hundred feet of a priority habitat area as defined by the Washington state
 3374 Department of Fish and Wildlife, the buffer established by subsection A.1. of this section shall
 3375 be increased by fifty feet unless:

3376 a.(i) the applicant provides relatively undisturbed vegetated corridor at least one
 3377 hundred feet wide between the wetland and all priority habitat areas located within three hundred
 3378 feet of the wetland. The corridor shall be protected for the entire distance between the wetland
 3379 and the priority habitat through a conservation easement, native growth protection easement or
 3380 the equivalent; and

3381 (ii) the applicable mitigation measures in subsection A.3.b. of this section are
 3382 provided; or

3383 b. the wetland is a freshwater or deep freshwater wetland; and

3384 3. Buffers calculated in accordance with subsection A.1. and A.2. of this section shall
 3385 be reduced as follows:

3386 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if the
 3387 applicant implements all applicable mitigation measures identified in subsection A.3.b. of this
 3388 section, or if the applicant proposes alternate mitigation to reduce the impacts of the
 3389 development and the department determines the alternative provides equivalent mitigation.

King County Shoreline Regulations

3390 b. The following mitigation measures may be used by an applicant to obtain a reduced
 3391 buffer width under subsection A.1. of this section:

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

King County Shoreline Regulations

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

- 3392 B. For a wetland located outside the Urban Growth Area:
- 3393 1. The buffers shown on the following table apply unless modified in accordance with
- 3394 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

King County Shoreline Regulations

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
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 31 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
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 31 to 36 points	300 feet	225 feet	150 feet

King County Shoreline Regulations

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
Category III			
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

3395 2. For purposes of this subsection B., unless the director determines a lesser level of
 3396 impact is appropriate based on information provided by the applicant, the intensity of impact of
 3397 the adjacent land use is determined as follows:

- 3398 a. high impact includes:
- 3399 (1) sites zoned commercial or industrial;
 - 3400 (2) commercial or industrial use on a site regardless of the zoning designation;
 - 3401 (3) nonresidential use on a site zoned for residential use;
 - 3402 (4) active recreation use on a site regardless of zoning;

King County Shoreline Regulations

3403 b. moderate impact includes:

3404 (1) residential uses on sites zoned rural residential;

3405 (2) residential use on a site zoned agriculture or forestry; or

3406 (3) agricultural uses without an approved farm management plan; and

3407 c. low impact includes:

3408 (1) forestry use on a site regardless of zoning designation;

3409 (2) passive recreation uses, such as trails, nature viewing areas, fishing and camping

3410 areas, and other similar uses that do not require permanent structures, on a site regardless of

3411 zoning; or

3412 (3) agricultural uses carried out in accordance with an approved farm management

3413 plan.

3414 C. The department may approve a modification of the minimum buffer width required by

3415 this section by averaging the buffer width if:

3416 1. The department determines that:

3417 a. the ecological structure and function of the buffer after averaging is equivalent to or

3418 greater than the structure and function before averaging; or

3419 b. averaging includes the corridors of a wetland complex; and

3420 2. The resulting buffer meets the following standards:

3421 a. the total area of the buffer after averaging is equivalent to or greater than the area of

3422 the buffer before averaging;

3423 b. the additional buffer is contiguous with the standard buffer; and

King County Shoreline Regulations

3424 c. if the buffer width averaging allows a structure or landscaped area to intrude into
3425 the area that was buffer area before averaging, the resulting landscaped area shall extend no more
3426 than fifteen feet from the edge of the structure's footprint toward the reduced buffer.

3427 D. Wetland buffer widths shall also be subject to modifications under the following
3428 special circumstances:

3429 1. For wetlands containing documented habitat for endangered, threatened or species of
3430 local importance, the following shall apply:

3431 a. the department shall establish the appropriate buffer, based on a habitat assessment,
3432 to ensure that the buffer provides adequate protection for the sensitive species; and

3433 b. the department may apply the buffer increase rules in subsection A.2. of this section,
3434 the buffer reduction rules in subsection A.3. of this section, and the buffer averaging rules in
3435 subsection C. of this section;

3436 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area,
3437 the buffer width is the greater of the buffer width required by the wetland's category in this
3438 section or twenty-five feet beyond the top of the hazard area; and

3439 3. For a wetland complex located outside the Urban Growth Area established by the
3440 King County Comprehensive Plan or located within the Urban Growth Area in a basin
3441 designated as "high" on the Basin and Shoreline Conditions Map, which is included as
3442 Attachment A to Ordinance 15051, the buffer width is determined as follows:

3443 a. the buffer width for each individual wetland in the complex is the same width as the
3444 buffer width required for the category of wetland;

King County Shoreline Regulations

3445 b. if the buffer of a wetland within the complex does not touch or overlap with at least
3446 one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to
3447 one other wetland buffer in the complex considering the following factors:

3448 (1) the corridor is designed to support maintaining viable wildlife species that are
3449 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
3450 critical life cycle stage, such as breeding, rearing, or feeding;

3451 (2) the corridor minimizes fragmentation of the wetlands;

3452 (3) higher category wetlands are connected through corridors before lower category
3453 wetlands; and

3454 (4) the corridor width is a least twenty-five percent of the length of the corridor, but
3455 no less than twenty-five feet in width; and

3456 (5) shorter corridors are preferred over longer corridors;

3457 c. wetlands in a complex that are connected by an aquatic area that flows between the
3458 wetlands are not required to be connected through a corridor;

3459 d. the department may exclude a wetland from the wetland complex if the applicant
3460 demonstrates that the wetland is unlikely to provide habitat for wildlife species that are
3461 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
3462 critical life cycle stage, such as breeding, rearing or feeding; and

3463 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in
3464 corridors subject to the same conditions and requirements as wetland buffers as long as the
3465 alteration is designed so as not to disrupt wildlife movement through the corridor; and

King County Shoreline Regulations

3466 4. Where a legally established roadway transects a wetland buffer, the department may
3467 approve a modification of the minimum required buffer width to the edge of the roadway if the
3468 part of the buffer on the other side of the roadway sought to be reduced:

3469 a. does not provide additional protection of the proposed development or the wetland;

3470 and

3471 b. provides insignificant biological, geological or hydrological buffer functions relating
3472 to the other portion of the buffer adjacent to the wetland.

3473 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
3474 buffer widths shall be established under the rural stewardship plan and shall not exceed the
3475 standard for a low impact land use, unless the department of natural resources and parks
3476 determines that a larger buffer is necessary to achieve no net loss of wetland ecological function.

3477 E. The department may approve a modification to the buffers established in subsections
3478 A. and B. of this section if the wetland was created or its characterization was upgraded as part
3479 of a voluntary enhancement or restoration project.

3480 F. If the site is located within the shoreline jurisdiction, the department shall determine
3481 that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline
3482 ecological function.

3483 SECTION 130. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are
3484 each hereby amended to read as follows:

3485 A. Aquatic area buffers shall be measured as follows:

3486 1. From the ordinary high water mark or from the top of bank if the ordinary high water
3487 mark cannot be identified;

King County Shoreline Regulations

3488 2. If the aquatic area is located within a mapped severe channel migration area, the
3489 aquatic area buffer width shall be the greater of the aquatic area buffer width as measured
3490 consistent with subsection A.1. of this section or the outer edge of the severe channel migration
3491 area; or

3492 3. If the aquatic area buffer includes a steep slope hazard area or landslide hazard area,
3493 the aquatic area buffer width is the greater of either the aquatic area buffer in this section or
3494 twenty-five feet beyond the top of the hazard area.

3495 B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

3496 1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;

3497 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the
3498 Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

3499 3. A type N aquatic area buffer is sixty-five-feet; and

3500 4. A type O aquatic area buffer is twenty-five-feet.

3501 C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

3502 1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

3503 2. A type N aquatic area buffer is sixty-five-feet; and

3504 3. A type O aquatic area buffer is twenty-five-feet.

3505 D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated
3506 regionally significant resource area is one-hundred-feet.

3507 E. The department may approve a modification of buffer widths if:

3508 1.a. The department determines that through buffer averaging the ecological structure
3509 and function of the resulting buffer is equivalent to or greater than the structure and function
3510 before averaging and meets the following standards:

King County Shoreline Regulations

3511 ~~((a-))~~ i. The total area of the buffer is not reduced;
3512 ~~((b-))~~ ii. The buffer area is contiguous; and
3513 ~~((c-))~~ iii. Averaging does not result in the reduction of the minimum buffer for the
3514 buffer area waterward of the top of the associated steep slopes or for a severe channel migration
3515 hazard area;

3516 ~~((2-))~~ b. The applicant demonstrates that the buffer cannot provide certain functions
3517 because of soils, geology or topography, provided that the department shall establish buffers
3518 ~~((which))~~ that protect the remaining ecological functions that the buffer can provide;

3519 ~~((3-))~~ c. The site is zoned RA and is subject to an approved rural stewardship plan. In
3520 modifying the buffers, the department shall consider factors such as, the basin and shoreline
3521 condition, the location of the site within the basin and shoreline, the buffer condition and the
3522 amount of clearing;

3523 ~~((4-))~~ d. A legally established roadway transects an aquatic area buffer, the roadway
3524 edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other
3525 side of the roadway provides insignificant biological or hydrological function in relation to the
3526 portion of the buffer adjacent to the aquatic area; ~~((and))~~ or

3527 ~~((5-))~~ e. The aquatic area is created or its type is changed as a result of enhancement or
3528 restoration projects that are not mitigation for a development proposal or alteration; and

3529 2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline
3530 ecological function will result when considering projects that combine reduced buffers and
3531 habitat restoration.

3532 SECTION 131. K.C.C. 7.02.010 is hereby decodified.

3533 SECTION 132. K.C.C. 23.02.020 is hereby decodified.

King County Shoreline Regulations

3534 SECTION 133. The following ordinances and King County Code sections are each

3535 hereby repealed:

3536 A. Ordinance 3688, Section 102, and K.C.C. 25.04.020;

3537 B. Ordinance 11622, Section 1, and K.C.C. 25.04.025;

3538 C. Ordinance 3688, Section 106, and K.C.C. 25.04.060;

3539 D. Ordinance 12196, Section 58, as amended, and K.C.C. 25.08.015;

3540 E. Ordinance 3699, Section 203, and K.C.C. 25.08.040;

3541 F. Ordinance 3688, Section 204, and K.C.C. 25.08.050;

3542 G. Ordinance 3688, Section 205, and K.C.C. 25.08.060;

3543 H. Ordinance 3688, Section 206, and K.C.C. 25.08.070;

3544 I. Ordinance 3688, Section 207, and K.C.C. 25.08.080;

3545 J. Ordinance 3688, Section 210, and K.C.C. 25.08.110;

3546 K. Ordinance 3688, Section 211, and K.C.C. 25.08.120;

3547 L. Ordinance 3688, Section 212, and K.C.C. 25.08.130;

3548 M. Ordinance 3688, Section 213, and K.C.C. 25.08.140;

3549 N. Ordinance 13687, Section 1, as amended, and K.C.C. 25.08.150;

3550 O. Ordinance 3688, Section 216, and K.C.C. 25.08.170;

3551 P. Ordinance 3688, Section 217, and K.C.C. 25.08.180;

3552 Q. Ordinance 5734, Section 1, and K.C.C. 25.08.185;

3553 R. Ordinance 3688, Section 221, and K.C.C. 25.08.220;

3554 S. Ordinance 3688, Section 223, and K.C.C. 25.08.240;

3555 T. Ordinance 3688, Section 225, and K.C.C. 25.08.260;

3556 U. Ordinance 3688, Section 227, and K.C.C. 25.08.280;

King County Shoreline Regulations

- 3557 V. Ordinance 5734, Section 1, and K.C.C. 25.08.285;
- 3558 W. Ordinance 4222, Section 2, and K.C.C. 25.08.300;
- 3559 X. Ordinance 3688, Section 229, and K.C.C. 25.08.310;
- 3560 Y. Ordinance 3688, Section 230, and K.C.C. 25.08.320; and
- 3561 Z. Ordinance 3688, Section 231, and K.C.C. 25.08.330.

3562 SECTION 134. The following ordinances and King County Code sections are each
3563 hereby repealed:

- 3564 A. Ordinance 3688, Section 232, and K.C.C. 25.08.340;
- 3565 B. Ordinance 3688, Section 235, and K.C.C. 25.08.360;
- 3566 C. Ordinance 3688, Section 236, and K.C.C. 25.08.380;
- 3567 D. Ordinance 3688, Section 238, and K.C.C. 25.08.390;
- 3568 E. Ordinance 3688, Section 239, and K.C.C. 25.08.410;
- 3569 F. Ordinance 3688, Section 240, and K.C.C. 25.08.420;
- 3570 G. Ordinance 3688, Section 241, and K.C.C. 25.08.430;
- 3571 H. Ordinance 3688, Section 243, and K.C.C. 25.08.450;
- 3572 I. Ordinance 3688, Section 252, and K.C.C. 25.08.500;
- 3573 J. Ordinance 3688, Section 244, and K.C.C. 25.08.530;
- 3574 K. Ordinance 3688, Section 245, and K.C.C. 25.08.540;
- 3575 L. Ordinance 3688, Section 253, and K.C.C. 25.08.550;
- 3576 M. Ordinance 3688, Section 254, and K.C.C. 25.08.560;
- 3577 N. Ordinance 5734, Section 1, and K.C.C. 25.08.565;
- 3578 O. Ordinance 3688, Section 256, and K.C.C. 25.08.580;
- 3579 P. Ordinance 12750, Section 1, and K.C.C. 25.08.604;

King County Shoreline Regulations

- 3580 Q. Ordinance 3688, Section 259, and K.C.C. 25.08.610;
- 3581 R. Ordinance 3688, Section 304, and K.C.C. 25.12.040;
- 3582 S. Ordinance 3688, Section 401, and K.C.C. 25.16.010;
- 3583 T. Ordinance 3688, Section 402, and K.C.C. 25.16.020;
- 3584 U. Ordinance 3688, Section 403, as amended, and K.C.C. 25.16.030;
- 3585 V. Ordinance 3688, Section 404, and K.C.C. 25.16.040;
- 3586 W. Ordinance 3688, Section 405, and K.C.C. 25.16.050;
- 3587 X. Ordinance 3688, Section 406, and K.C.C. 25.16.060;
- 3588 Y. Ordinance 3688, Section 407, and K.C.C. 25.16.070; and
- 3589 Z. Ordinance 3688, Section 409(1), as amended, and K.C.C. 25.16.090.

3590 SECTION 135. The following ordinances and King County Code sections are each
3591 hereby repealed:

- 3592 A. Ordinance 3688, Section 409(2), as amended, and K.C.C. 25.16.100;
- 3593 B. Ordinance 3688, Section 409(3), and K.C.C. 25.16.110;
- 3594 C. Ordinance 3688, Section 409(5), and K.C.C. 25.16.130;
- 3595 D. Ordinance 3688, Section 409(6), as amended, and K.C.C. 25.16.140;
- 3596 E. Ordinance 3688, Section 412, and K.C.C. 25.16.170;
- 3597 F. Ordinance 3688, Section 501, and K.C.C. 25.20.010;
- 3598 G. Ordinance 3688, Section 502, and K.C.C. 25.20.020;
- 3599 H. Ordinance 3688, Section 503, as amended, and K.C.C. 25.20.030;
- 3600 I. Ordinance 3688, Section 504, and K.C.C. 25.20.040;
- 3601 J. Ordinance 3688, Section 505, and K.C.C. 25.20.050;
- 3602 K. Ordinance 3688, Section 507, and K.C.C. 25.20.070;

King County Shoreline Regulations

- 3603 L. Ordinance 3688, Section 508, and K.C.C. 25.20.080;
- 3604 N. Ordinance 3688, Section 509, as amended, and K.C.C. 25.20.090;
- 3605 O. Ordinance 3688, Section 510, as amended, and K.C.C. 25.20.100;
- 3606 P. Ordinance 3688, Section 511, and K.C.C. 25.20.110;
- 3607 Q. Ordinance 3688, Section 512, and K.C.C. 25.20.120;
- 3608 R. Ordinance 3688, Section 513, and K.C.C. 25.20.130;
- 3609 S. Ordinance 3688, Section 514, as amended, and K.C.C. 25.20.140;
- 3610 T. Ordinance 3688, Section 515, and K.C.C. 25.20.150;
- 3611 U. Ordinance 3688, Section 601, and K.C.C. 25.24.010;
- 3612 V. Ordinance 3688, Section 602, and K.C.C. 25.24.020;
- 3613 W. Ordinance 3688, Section 603, as amended, and K.C.C. 25.24.030;
- 3614 X. Ordinance 3688, Section 604, and K.C.C. 25.24.040;
- 3615 Y. Ordinance 3688, Section 605, and K.C.C. 25.24.050; and
- 3616 Z. Ordinance 3688, Section 606, and K.C.C. 25.24.060.

3617 SECTION 136. The following ordinances and King County Code sections are each
3618 hereby repealed:

- 3619 A. Ordinance 3688, Section 607, and K.C.C. 25.24.070;
- 3620 B. Ordinance 3688, Section 608, as amended, and K.C.C. 25.24.080;
- 3621 C. Ordinance 3688, Section 609, as amended, and K.C.C. 25.24.090;
- 3622 D. Ordinance 3688, Section 610, as amended, and K.C.C. 25.24.100;
- 3623 E. Ordinance 3688, Section 611, and K.C.C. 25.24.110;
- 3624 F. Ordinance 3688, Section 612, and K.C.C. 25.24.120;
- 3625 G. Ordinance 3688, Section 613, as amended, and K.C.C. 25.24.130;

King County Shoreline Regulations

- 3626 H. Ordinance 3688, Section 614, as amended, and K.C.C. 25.24.140;
- 3627 I. Ordinance 3688, Section 615, and K.C.C. 25.24.150;
- 3628 J. Ordinance 3688, Section 701, and K.C.C. 25.28.010;
- 3629 K. Ordinance 3688, Section 702, and K.C.C. 25.28.020;
- 3630 L. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.030;
- 3631 M. Ordinance 3688, Section 704, and K.C.C. 25.28.040;
- 3632 N. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.050;
- 3633 O. Ordinance 3688, Section 706, and K.C.C. 25.28.060;
- 3634 P. Ordinance 3688, Section 707, and K.C.C. 25.28.070;
- 3635 Q. Ordinance 3688, Section 708, as amended, and K.C.C. 25.28.080;
- 3636 R. Ordinance 3688, Section 709, as amended, and K.C.C. 25.28.090;
- 3637 S. Ordinance 3688, Section 710, as amended, and K.C.C. 25.28.100;
- 3638 T. Ordinance 3688, Section 711, and K.C.C. 25.28.110;
- 3639 U. Ordinance 3688, Section 712, and K.C.C. 25.28.120;
- 3640 V. Ordinance 3688, Section 713, and K.C.C. 25.28.130;
- 3641 W. Ordinance 3688, Section 714, as amended, and K.C.C. 25.28.140;
- 3642 X. Ordinance 3688, Section 715, and K.C.C. 25.28.150;
- 3643 Y. Ordinance 3688, Section 808, as amended, and K.C.C. 25.32.080; and
- 3644 Z. Ordinance 3688, Section 809, as amended, and K.C.C. 25.32.090.

3645 SECTION 137. The following ordinances and King County Code sections are each
3646 hereby repealed:

- 3647 A. Ordinance 3688, Section 811, and K.C.C. 25.32.110;
- 3648 B. Ordinance 3688, Section 812, and K.C.C. 25.32.120;

King County Shoreline Regulations

3649 C. Ordinance 13687, Section 5, and K.C.C. 25.32.160; and

3650 D. Ordinance 13687, Section 6, and K.C.C. 25.32.170.

3651 SECTION 138. Pursuant to K.C.C. 20.44.080, the metropolitan King County council
3652 finds that the requirements for environmental analysis, protections and mitigation measures in
3653 the chapters of K.C.C. Title 21A amended by this ordinance, provide adequate analysis of and
3654 mitigation for the specific adverse environmental impacts to which the requirements apply.

3655 SECTION 139. If any provision of this ordinance or its application to any person or
3656 circumstance is held invalid, the remainder of the ordinance or the application of the provision to
3657 other persons or circumstances is not affected.

3658 Attachments: A. King County Comprehensive Plan 2008, Chapter 5 – Shoreline Master
3659 Program (October 2009).