

**PUBLIC REVIEW DRAFT
KING COUNTY SHORELINE REGULATIONS
OCTOBER 2008**

1 SECTION 1. Ordinance 3692, Section 2, and K.C.C. 20.12.200 are each hereby
2 amended to read as follows:

3 **Shoreline ((management)) master program.** A. The King County shoreline master
4 program consists of the following two elements:

5 (~~The policies, objectives and~~) 1. The King County shoreline management goals and
6 policies ((goals of the shorelines management master program,** are adopted as an addendum to
7 the Comprehensive Plan for King County. As an addendum to the comprehensive plan, such
8 policy statement.)) contained in chapter five of the King County Comprehensive Plan. The
9 shoreline management goals and policies constitute((s)) the official policy of King County
10 regarding areas of the county subject to shoreline management jurisdiction under RCW chapter
11 90.58;

12 2. The shoreline regulations specified in Section 2 of this ordinance.

13 B. The following technical appendices adopted as appendix M of the King County
14 Comprehensive Plan provide supporting shoreline master program technical and planning
15 information:

16 1. The Shoreline Protection and Restoration Plan, which summarizes the methods and
17 results of King County's shoreline analysis with respect to shoreline restoration planning;

18 2. The Shoreline Public Access Plan, which includes an inventory of existing formal
19 and informal shoreline public access opportunities and King County's priorities for public
20 access;

21 3. The Cumulative Impacts Analysis, which provides a mechanism for examining the
22 success of meeting the requirement for no net loss of ecological functions;

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23 4. The Shoreline Master Program Checklist and Public Involvement Process, which
24 show how King County meets the procedural requirements for updating the Shoreline Master
25 Program; and

26 5. The Shoreline Technical Appendix, which includes data and analytic methods used to
27 develop King County’s shoreline inventory and shoreline characterization.

28 NEW SECTION. SECTION 2. There is hereby added a new section to K.C.C. chapter
29 20.12 to read as follows:

30 **Shoreline master program development regulations.** The following King County
31 code sections in effect as of the effective date of this ordinance are adopted as land use and
32 development regulations within the shoreline jurisdiction:

33 A. The following sections within King County Code Title 16, Building and Construction
34 Standards:

- 35 1. K.C.C. 16.82.150 – Clearing standards for individual lots in the rural zone; and
36 2. K.C.C. 16.82.152 – Clearing standards for subdivisions and short subdivisions in the
37 rural residential zone.

38 B. The following sections within King County Code Title 21A, Zoning:

- 39 1...K.C.C. 21A.24.045 - Allowed alterations;
40 2. K.C.C. 21A.24.051 - Agricultural activity development standards;
41 3. K.C.C. 21A.24.055 - Rural stewardship plans;
42 4. K.C.C. 21A.24.070A., D., and E. - Alteration exceptions (excludes reasonable use);
43 5. K.C.C. 21A.24.125 - Avoiding impacts;
44 6. K.C.C. 21A.24.130 - Mitigation and monitoring;
45 7. K.C.C. 21A.24.133 - Off-site mitigation;

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- 46 8. K.C.C. 21A.24.200 - Building setbacks;
- 47 9. K.C.C. 21A.24.210 - Coal Mine Hazard Area development standards;
- 48 10. K.C.C. 21A.24.220 - Erosion Hazard Area development standards;
- 49 11. K.C.C. 21A.24.240 - Zero rise flood fringe development standards;
- 50 12. K.C.C. 21A.24.250 - Zero rise floodway development standards;
- 51 13. K.C.C. 21A.24.260 - FEMA floodway development standards;
- 52 14. K.C.C. 21A.24.275 - Channel migration zone development standards;
- 53 15. K.C.C. 21A.24.280 - Landslide Hazard Area development standards;
- 54 16. K.C.C. 21A.24.290 - Seismic Hazard Area development standards;
- 55 17. K.C.C. 21A.24.300 - Volcanic Hazard Area development standards;
- 56 18. K.C.C. 21A.24.310 - Steep Slope Hazard Area development standards;
- 57 19. K.C.C. 21A.24.316 - Critical Aquifer Recharge Area development standards;
- 58 20. K.C.C. 21A.24.325 - Wetland buffers;
- 59 21. K.C.C. 21A.24.335 - Wetland development standards;
- 60 22. K.C.C. 21A.24.340 - Wetland mitigation requirements;
- 61 23. K.C.C. 21A.24.358 - Aquatic area buffers;
- 62 24. K.C.C. 21A.24.365 - Aquatic area development standards;
- 63 25. K.C.C. 21A.24.380 - Aquatic area mitigation requirements;
- 64 26. K.C.C. 21A.24.382 - Wildlife habitat conservation area development standards;
- 65 27. K.C.C. 21A.24.386 - Wildlife habitat network development standards; and
- 66 28. K.C.C. 21A.24.388 - Wildlife habitat network mitigation requirements.
- 67 C. Subsequent amendments to the land use and development regulations included in
- 68 subsection A of this section must be approved by the Washington State department of ecology.

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69 SECTION 3. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030 are each
70 hereby amended to read as follows:

71 **General procedures.**

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

- 77 1. Emergencies;
- 78 2. An appeal of the plan filed with the Central Puget Sound Growth Management
79 Hearings Board or with the court;
- 80 3. The initial adoption of a subarea plan, which may amend the urban growth area
81 boundary only to redesignate land within a joint planning area; or
- 82 4. ~~((The adoption or amendment of a shoreline master program under chapter 90.58~~
83 ~~RCW; or~~
- 84 5.)) An amendment of the capital facilities element of the Comprehensive Plan that
85 occurs in conjunction with the adoption of the county budget.

86 B. Every year the Comprehensive Plan may be amended to address technical updates and
87 corrections, and to consider amendments that do not require substantive changes to policy
88 language, changes to the priority areas map, or changes to the urban growth area boundary, except
89 as permitted in subsection B.5, 10 and 12 of this section. This review may be referred to as the
90 annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual
91 cycle only to consider the following:

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- 92 1. Technical amendments to policy, text, ((~~or~~)) maps or shoreline designations;
- 93 2. The annual capital improvement plan;
- 94 3. The transportation needs report;
- 95 4. School capital facility plans;
- 96 5. Changes to the priority areas map that are required by annexations and incorporations;
- 97 6. Changes required by existing Comprehensive Plan policies;
- 98 7. Changes to the technical appendices and any amendments required thereby;
- 99 8. Comprehensive updates of subarea plans initiated by motion;
- 100 9. Changes required by amendments to the countywide planning policies or state law;
- 101 10. Redesignation proposals under the four-to-one program as provided for in this
- 102 chapter;
- 103 11. Amendments necessary for the conservation of threatened and endangered species;
- 104 and
- 105 12. Site-specific comprehensive land use map amendments that do not require substantive
- 106 change to comprehensive plan policy language and that do not alter the urban growth area
- 107 boundary, except to correct mapping errors.

108 C. Every fourth year beginning in 2000, the county shall complete a comprehensive

109 review of the Comprehensive Plan in order to update it as appropriate and to ensure continued

110 compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year

111 plan based upon official population growth forecasts, benchmarks and other relevant data in order

112 to consider substantive changes to policy language and changes to the urban growth area (UGA).

113 This comprehensive review shall begin one year in advance of the transmittal and may be referred

114 to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the

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115 four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130.

116 If the county determines that the purposes of the Comprehensive Plan are not being achieved as

117 evidenced by official population growth forecasts, benchmarks, trends and other relevant data,

118 substantive changes to the Comprehensive Plan may also be considered on even calendar years.

119 This determination shall be authorized by motion. The motion shall specify the scope of the even-

120 year amendment, and identify that the resources necessary to accomplish the work are available.

121 An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The

122 executive shall determine if additional funds are necessary to complete the even-year amendment,

123 and may transmit an ordinance requesting the appropriation of supplemental funds.

124 D. The executive shall seek public comment on the comprehensive plan and any proposed

125 comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before

126 making a recommendation, in addition to conducting the public review and comment procedures

127 required by SEPA. The public, including unincorporated area councils, shall be afforded at least

128 one official opportunity to record public comment before to the transmittal of a recommendation

129 by the executive to the council. County-sponsored councils and commissions may submit written

130 position statements that shall be considered by the executive before transmittal and by the council

131 before adoption, if they are received in a timely manner. The executive's recommendations for

132 changes to policies, text, and maps shall include the elements listed in comprehensive plan policy

133 RP-307 and analysis of their financial costs and public benefits, any of which may be included in

134 environmental review documents. Proposed amendments to the comprehensive plan shall be

135 accompanied by any development regulations or amendments to development regulations,

136 including area zoning, necessary to implement the proposed amendments.

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137 SECTION 4. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are each
138 hereby amended to read as follows:

139 **Site-specific land use map and shoreline master program map amendment**
140 **classification.**

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

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

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

150 2. Four-to-one-proposals.

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

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

155 2. ~~((a))~~A Amendments that require substantive change to comprehensive plan policy
156 language; and

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

158 SECTION 5. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each
159 hereby amended to read as follows:

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160 **Site-specific land use map and shoreline master program map amendments initiation.**

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

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

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

177 3. If initiated by property owner application, the property owner shall submit a docketed
178 request for a site-specific land use map or shoreline master program map amendment. Upon
179 receipt of a docketed request for a site-specific land use map or shoreline master program map
180 amendment, the request shall be referred to the department of development and environmental
181 services for preparation of a recommendation to the hearing examiner.

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

- 185 1. Name and address of the owner(s) of record;
- 186 2. Description of the proposed amendment;
- 187 3. Property description, including parcel number, property street address and nearest
188 cross street;
- 189 4. County assessor's map outlining the subject property; and
- 190 5. Related or previous permit activity.

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

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

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

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

213 G. Following the submittal of the information required by subsections D, E or F, the
214 department of development and environmental services shall submit a report including an
215 executive recommendation on the proposed amendment to the hearing examiner within one
216 hundred twenty days. The department of development and environmental services shall provide
217 notice of a public hearing and notice of threshold determination pursuant to K.C.C. 20.20.060 F, G
218 and H. The hearing will be conducted by the hearing examiner pursuant to K.C.C. 20.24.400.
219 Following the public hearing, the hearing examiner shall prepare a report and recommendation on
220 the proposed amendment pursuant to K.C.C. 20.24.400. A compilation of all completed reports
221 will be considered by the council pursuant to K.C.C. 20.18.070.

222 H. A property-owner-initiated for a site-specific land use map or shoreline master program
223 map amendment may be accompanied by an application for a zone reclassification to implement
224 the proposed amendment, in which case administrative review of the two applications shall be
225 consolidated to the extent practical consistent with this ordinance and K.C.C. chapter 20.20. The
226 council's consideration of a site-specific land use map or shoreline master program map
227 amendment is a legislative decision which will be determined before and separate from their

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228 consideration of a zone reclassification which is a quasi-judicial decision. If a zone reclassification
229 is not proposed in conjunction with an application for a site-specific land use map or shoreline
230 master program map amendment and the amendment is adopted, the property shall be given
231 potential zoning. A zone reclassification pursuant to K.C.C. 20.20.020 will be required in order to
232 implement the potential zoning.

233 I. Site-specific land use map or shoreline master program map amendments for which a
234 completed recommendation by the hearing examiner has been submitted to the council by January
235 15 will be considered concurrently with the annual amendment to the comprehensive plan. Site
236 specific land use map or shoreline master program map amendments for which a recommendation
237 has not been issued by the hearing examiner by January 15 will be included in the next appropriate
238 review cycle following issuance of the examiner's recommendation.

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

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

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

249 K. A shoreline master program map amendment and redesignation must meet the
250 requirements of K.C.C. 25.32.130 through 25.32.150, as recodified by this ordinance and the

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251 Washington State Shoreline Master Program Guidelines, 173-26 WAC. A shoreline master
252 program map amendment and redesignation must be approved by the Washington State
253 department of ecology.

254 SECTION 6. K.C.C. 25.32.130, as amended by this ordinance, is recodified as a new
255 section in K.C.C. chapter 20.18.

256 SECTION 7. Ordinance 3688, Section 813, and K.C.C. 25.32.130 are each hereby
257 amended to read as follows:

258 **Shoreline environment redesignation.**

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

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

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

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

272 SECTION 8. K.C.C. 25.32.140, as amended by this ordinance, is recodified as a new
273 section in K.C.C. chapter 20.18.

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274 SECTION 9. Ordinance 13687, Section 3, and K.C.C. 25.32.140 are each hereby
275 amended to read as follows:

276 **Shoreline ((R))redesignation ((applications)) initiated by an applicant.**

277 A. A shoreline redesignation initiated by an applicant(~~(, as described in K.C.C.~~
278 ~~25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for shorelines~~
279 ~~redesignations and))~~ must include the following information in addition to the requirements in
280 K.C.C. (~~chapter 20.20~~) 20.18.050:

- 281 1. Applicant information, including signature, telephone number and address;
- 282 2. The applicant's interest in the property, such as owner, buyer or consultant;
- 283 3. Property owner concurrence, including signature, telephone number and address;
- 284 4. (~~A property description, including parcel number, property street address and~~
285 ~~nearest cross street;~~

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

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

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

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

293 ~~((9.))~~5. A discussion of how the proposed shorelines redesignation meets the criteria in
294 K.C.C. 25.32.180 as recodified by this ordinance.

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

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297 SECTION 10. K.C.C. 25.32.150, as amended by this ordinance, is recodified as a new
298 section in K.C.C. chapter 20.18.

299 SECTION 11. Ordinance 13687, Section 4, and K.C.C. 25.32.150 are each hereby
300 amended to read as follows:

301 **Shoreline ((R))redesignations initiated by motion.**

302 A. A council motion initiating a shoreline((s)) redesignation(~~(, as described in K.C.C.~~
303 ~~25.32.130B))~~) must be accompanied by the information to be provided in K.C.C. 25.32.140, as
304 recodified by this ordinance ((following information)) in addition to the requirements in K.C.C.
305 20.18.050((:

- 306 1. ~~A description of the shoreline reach and a property description, including parcel~~
307 ~~numbers, property street addresses and nearest cross streets, for all properties that the shoreline~~
308 ~~runs through or is adjacent to;~~
- 309 2. ~~A county assessor's map outlining the subject property or properties; and~~
- 310 3. ~~A description of the proposed shorelines redesignation)).~~

311 B. ~~((If the motion proposes site specific redesignation, as “site” is defined in K.C.C.~~
312 ~~Title 21A, the redesignation shall be referred to the hearing examiner for consideration following~~
313 ~~the procedures of K.C.C. 25.32.140 for consideration of redesignation application. Any other~~
314 ~~redesignation proposal initiated by motion shall be referred to the executive for consideration as~~
315 ~~to whether the redesignation is appropriate for review as part of the annual or four year~~
316 ~~Comprehensive Plan update, or should proceed independent of the annual or four year update~~
317 ~~process, such as through a subarea planning process.~~

318 C.)) A motion initiating a site-specific shoreline redesignation must identify the
319 resources and the work program required to provide the same level of review accorded to an

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320 applicant-generated shoreline((s)) redesignation. Before adoption of the motion, the executive
321 shall have the opportunity to provide an analysis of the motion’s fiscal impact. If the executive
322 determines that additional funds are necessary to complete the work program, the executive may
323 transmit an ordinance requesting the appropriation of supplemental funds. The council may
324 consider the supplemental appropriation ordinance concurrently with the proposed motion
325 referring the shoreline((s)) redesignation proposal to the examiner.

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

331 SECTION 12. K.C.C 25.32.180, as amended by this ordinance, is recodified as a new
332 section in K.C.C. chapter 20.24.

333 SECTION 13. Ordinance 13687, Section 7, and K.C.C. 25.32.180 are each hereby
334 amended to read as follows:

335 ~~((Criteria for hearing examiner review))~~ **Additional examiner findings – shoreline**
336 **redesignation.** A shoreline((s)) redesignation referred to the hearing examiner for a public
337 hearing shall be reviewed based upon the requirements of the King County Comprehensive Plan
338 ~~((policies NE 308 and I 202)),~~ state and county shorelines management goals and objectives, and
339 the following additional standards:

340 A. The proposed change shall implement((s)) and support((s)) the goals of the
341 comprehensive plan, the goals, policies and objectives of the state Shorelines Management Act,

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342 ((and)) the county's shoreline((s)) master program, and the designation criteria of the shoreline
343 environment designation requested((;)).

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

346 C. The impacts of development allowed by the proposed change ((are))shall adequately
347 addressed in a mitigation plan providing significant enhancement of the first one hundred feet
348 adjacent to the stream and improved habitat for species declared as endangered or threatened
349 under the Endangered Species Act, to the extent those impacts may be determinable at the time
350 of the shoreline((s)) redesignation. A full mitigation plan shall accompany each application, as
351 provided in K.C.C. 25.32.140 as recodified by this ordinance and K.C.C. 25.32.150 as recodified
352 by this ordinance((;and)).

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

356 SECTION 14. There is hereby established a new chapter in K.C.C. Title 21A. This new
357 chapter shall contain section 15, K.C.C. 25.08.010, as recodified in section 16 and amended in
358 section 17, K.C.C. 25.04.040, as recodified in section 18 and amended in section 19, K.C.C.
359 25.08.160, as recodified in section 20 and amended in section 21, section 22, K.C.C. 25.04.050, as
360 recodified in section 23 and amended in section 24, K.C.C. 25.12.030, as recodified in section 25
361 and amended in section 26, K.C.C. 25.12.020, as recodified in section 27 and amended in section
362 28, K.C.C. 25.12.050, as recodified in section 29 and amended in section 30, section 31, section
363 32, section 33, section 34, section 35, K.C.C. 25.20.060, as recodified in section 36 and amended
364 in section 37, section 38, K.C.C. 25.16.200, as recodified in section 39 and amended in section

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365 40, section 41, section 42, K.C.C. 25.16.180, as recodified in section 43 and amended in section
366 44, K.C.C. 25.16.120, as recodified in section 45 and amended in section 46, K.C.C. 25.16.190,
367 as recodified in section 47 and amended in section 48, section 49, section 50, section 51, K.C.C.
368 25.16.150, as recodified in section 52 and amended in section 53, section 54, section 55, K.C.C.
369 25.16.160, as recodified in section 56 and amended in section 57, K.C.C. 25.16.080, as
370 recodified in section 58 and amended in section 59, K.C.C. 25.32.010, as recodified in section 60
371 and amended in section 61, K.C.C. 25.32.020, as recodified in section 62 and amended in section
372 63, K.C.C. 25.32.060, as recodified in section 64 and amended in section 65 and K.C.C.
373 25.32.100, as recodified in section 66 and amended in section 67.

374 NEW SECTION. SECTION 15. There is hereby added a new section in the new chapter
375 established in section 14 of this ordinance to read as follows:

376 **King County shoreline master program.** The King County shoreline master program
377 elements are established in K.C.C. 20.12.200.

378 SECTION 16. K.C.C. 25.08.010, as amended by this ordinance, is hereby recodified as a
379 new section in the new chapter established in section 14 of this ordinance.

380 SECTION 17. Ordinance 3688 Ch. 2 (part), as amended, and K.C.C. 25.08.010 are each
381 hereby amended to read as follows:

382 **Applicability of RCW and WAC definitions.** ~~((Unless otherwise defined in this~~
383 ~~chapter,))~~The definitions contained in ~~((title 21A (the zoning code) RCW Chapter))~~ K.C.C.
384 chapter 21A.06, chapter 90.58 RCW and chapter ((WAC)) 173-((14))26 WAC shall apply within
385 the shoreline jurisdiction. The definitions in chapter 90.58 RCW and chapter 173-26 WAC shall
386 apply if there is a conflict with the definitions contained in K.C.C. chapter 21A.06.

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387 SECTION 18. K.C.C. 25.04.040, as amended by this ordinance, is hereby recodified as a
388 new section in the new chapter established in section 14 of this ordinance.

389 SECTION 19. Ordinance 3688, Section 104, and K.C.C. 25.04.040 are each hereby
390 amended to read as follows:

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

394 SECTION 20. K.C.C. 25.08.160, as amended by this ordinance, is hereby recodified as a
395 new section in the new chapter established in section 14 of this ordinance.

396 SECTION 21. Ordinance 3688, Section 215, and K.C.C. 25.08.160 are each hereby
397 amended to read as follows:

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

400 NEW SECTION. SECTION 22. There is hereby added a new section in the new chapter
401 established in section 14 of this ordinance to read as follows:

402 **Mixed use.** Mixed use: for purposes of this chapter, shoreline development that contains
403 a water-dependent use combined with a water-related, water-enjoyment or a non water-oriented
404 use in a single building or on a single site in an integrated development proposal. Water
405 dependent uses must comprise a significant portion of the floor area or site area in a mixed use
406 development.

407 SECTION 23. K.C.C. 25.04.050, as amended by this ordinance, is hereby recodified as a
408 new section in the new chapter established in section 14 of this ordinance.

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409 SECTION 24. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050 are each
410 hereby amended to read as follows:

411 **Relationship to other King County ~~((programs))~~ permits and approvals. ~~((A. When~~
412 ~~provisions of this chapter conflict with the sensitive areas code, K.C.C. Chapter 21A.54, that which~~
413 ~~provides more protection to the sensitive area shall apply.~~**

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

- 419 1. ~~Building permit;~~
- 420 2. ~~Right of way construction permit;~~
- 421 3. ~~Short subdivision;~~
- 422 4. ~~Grading permit;~~
- 423 5. ~~Site plan approval;~~
- 424 6. ~~Access permit;~~
- 425 7. ~~Trail permit;~~
- 426 8. ~~State flood control zone permit;~~
- 427 9. ~~Zoning variance;~~
- 428 10. ~~Conditional use permit;~~
- 429 11. ~~Comprehensive plan amendment or addition;~~
- 430 12. ~~Zone reclassification;~~
- 431 13. ~~Special use permit;~~

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432 ~~14. Urban planned development approval;~~

433 ~~15. Subdivision approval.~~

434 ~~16. Mobile home park permit;~~

435 ~~17. Mobile home permit; and~~

436 ~~18. Recreational vehicle park permit;~~

437 ~~19. Commercial site development permit)).~~

438 SECTION 25. K.C.C. 25.12.030, as amended by this ordinance, is hereby recodified as a
439 new section in the new chapter established in section 14 of this ordinance.

440 SECTION 26. Ordinance 3688, Section 303, and K.C.C. 25.12.030 are each hereby
441 amended to read as follows:

442 ~~((Limits of environment designations.))~~ Shoreline jurisdiction ~~((Each))~~ The King
443 County shoreline ~~((environment designation))~~ jurisdiction shall consist of the following:

444 A. The entire water body waterward from the ordinary high water mark from its
445 centerline or point, including all water below the surface. The shoreline jurisdiction includes:

446 1. All marine shorelines;

447 2. Lakes greater than 20 acres; and

448 3. Rivers and streams with a minimum of twenty cubic feet per second mean annual
449 flow.

450 B. The shorelands that extend landward for two hundred feet from the ordinary high
451 water mark including:

452 1. ((a))Associated wetlands;

453 2. River deltas; and

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454 3. One hundred year floodplain.~~((, provided, in those cases where a floodplain or other~~
455 ~~severe biophysical limitation to development does not cover the entire associated wetland, one~~
456 ~~environment designation may be placed on the floodplain portion of the wetland or the portion of~~
457 ~~the wetland with severe biophysical limitations and another on the remaining portion of the~~
458 ~~wetland;))~~

459 C. ~~((In shoreline areas where severe biophysical constraints such as flood plains, steep~~
460 ~~slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire associated~~
461 ~~wetland, proposed development in the remaining area may be permitted consistent with the~~
462 ~~character of the surrounding land use, the physical capabilities of the associated wetland and~~
463 ~~applicable county land use plans and policies)) The shoreline jurisdiction does not include tribal
464 reservation lands and lands held in trust by the federal government for tribes. Nothing in the
465 King County Shoreline Master Program or action taken under that program shall affect any treaty
466 right to which the United State is a party.~~

467 D. The King County shoreline jurisdiction is shown on a map adopted in chapter five of
468 the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria
469 established in subsections A and B of this section, the criteria shall constitute the official King
470 County shoreline jurisdiction.

471 SECTION 27. K.C.C. 25.12.020, as amended by this ordinance, is hereby recodified as a
472 new section in the new chapter established in section 14 of this ordinance.

473 SECTION 28. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each hereby
474 amended to read as follows:

475 ~~((Names of))~~ **Shoreline environment designations.** A. In order to accomplish the
476 ~~((purpose of this title))~~ goals, policies, and regulations of the King County shoreline master

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477 program, the following shoreline environment~~((at))~~ designations have been established ~~((to be~~
478 ~~known as follows))~~:

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

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

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

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

483 5. Resource shoreline;

484 6. Forestry shoreline;

485 7. Natural shoreline; and

486 8. Aquatic.

487 B. The shoreline environment designations are included on a map contained within
488 chapter five of the King County Comprehensive Plan. If there is a discrepancy between the map
489 and the criteria established in chapter five of the King County Comprehensive Plan for shoreline
490 environment designations, the criteria shall constitute the official King County shoreline
491 environment designation. Any parcel of land included within the shoreline jurisdiction without a
492 shoreline environment designation shall be considered within the Conservancy environment.

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

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

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

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

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

503 5. The purpose of the Resource shoreline is to allow for mining and agricultural uses on
504 lands that have been designated under the Growth Management Act as agricultural land of long
505 term commercial significance or mineral resource lands;

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

507 7. The purpose of the Natural shoreline is to protect those shoreline areas that are
508 relatively free of human influence and are of high ecological quality. This designation allows
509 only very low intensity uses in order to maintain the existing high levels of ecological process
510 and function; and

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

513 SECTION 29. K.C.C. 25.12.050, as amended by this ordinance, is hereby recodified as a
514 new section in the new chapter established in section 14 of this ordinance.

515 SECTION 30. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each hereby
516 amended to read as follows:

517 **Location of boundaries.** A. ~~((Boundaries indicated as following streets, highways,~~
518 ~~roads and bridges shall be deemed to follow the centerline of such facilities unless otherwise~~
519 ~~specified.~~

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

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

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

528 NEW SECTION. SECTION 31. There is hereby added a new section in the new chapter
529 established in section 14 of this ordinance to read as follows:

530 **Shoreline use and shoreline modification.**

531 A. Shoreline use is an activity that is allowed within a specific shoreline environment. A
532 shoreline use is allowed on a site only if the underlying zoning allows that use on that site.
533 Shoreline uses are identified in section 33 of this ordinance.

534 B. Shoreline modification is construction of a physical element such as a bulkhead,
535 groin, berm, jetty, breakwater, dredging, filling, vegetation removal or alteration, or application
536 of chemicals that changes the natural or existing shoreline conditions. Shoreline modifications
537 are identified in section 42 of this ordinance.

538 C. King County shall ensure that uses and modifications within the shoreline jurisdiction
539 do not cause a net loss of shoreline ecological functions and processes. Mitigation for impacts
540 resulting in uses and modifications shall consider the priorities specified in the Shoreline
541 Protection and Restoration Plan adopted in Appendix M of the King County Comprehensive
542 Plan.

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543 NEW SECTION. SECTION 32. There is hereby added a new section in the new chapter
544 established in section 14 of this ordinance to read as follows:

545 **Interpretation of shoreline use table.** The shoreline use table in section 33 of this
546 ordinance determines whether a specific use is allowed within each of the shoreline
547 environments. The shoreline environment is located on the vertical column and the specific use
548 is located on the horizontal row of the table. The specific uses are grouped by the shoreline use
549 categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter
550 21A.08. The table should be interpreted as follows:

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

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

556 C. If the letter "C" appears in the box at the intersection of the column and the row, the
557 use may be allowed within the shoreline environment subject to the shoreline conditional use
558 review procedures specified in section 118 of this ordinance, and only if the underlying zoning
559 allows the use.

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

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

570 NEW SECTION. SECTION 33. There is hereby added a new section in the new chapter
571 established in section 14 of this ordinance to read as follows:

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

579 **Shoreline uses.**

KEY P - Permitted Use C - Shoreline Conditional Use Shoreline uses are allowed only if the underlying zoning allows the use.	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
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	

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KEY P - Permitted Use C - Shoreline Conditional Use Shoreline uses are allowed only if the underlying zoning allows the use.	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
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					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility and private stormwater management 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	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15

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KEY P - Permitted Use C - Shoreline Conditional Use Shoreline uses are allowed only if the underlying zoning allows the use.	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
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		C17
Recreational Development								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23							
Transportation and parking								
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
SIC 1611 highway and street construction (construction and trade, K.C.C. 21A.08.060)	C25	C25	C25		C25	C25	C25	
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								

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KEY P - Permitted Use C - Shoreline Conditional Use	H I G H	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 C U L T U R E
Shoreline uses are allowed only if the underlying zoning allows the use.	I N T E N S I T Y							
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)								

- 580 B. Development conditions:
- 581 1. Only low intensity agriculture is allowed in the Natural environment and must assure
- 582 there is no net loss of ecological functions.
- 583 2.a. The supporting infrastructure for aquaculture may be located landward of the
- 584 aquaculture operation, subject to the limitations of K.C.C. Title 21A.
- 585 b. The aquaculture operation must meet the standards in section 34 of this ordinance.
- 586 c. In the shoreline residential designation, proposals containing net pen facilities shall
- 587 be located no closer than one thousand five hundred feet from the ordinary high water mark of
- 588 this environment, unless the department allows a specific lesser distance that it determines is
- 589 appropriate based upon a visual impact analysis. Other types of floating culture facilities may be
- 590 located within one thousand five hundred feet of the ordinary high water mark if supported by a
- 591 visual impact analysis.
- 592 d. In the rural shoreline designation, proposals containing net pen facilities shall be
- 593 located no closer than one thousand five hundred feet from the ordinary high water mark of this

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594 environment, unless the department allows a specific lesser distance that it determines is
595 appropriate based upon a visual impact analysis.

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

599 3. Marinas must meet the standards in section 35 of this ordinance.

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

603 5. General services land uses in K.C.C. 21A.08.050 are generally nonwater-oriented
604 uses and may be allowed in the Residential environment and Rural environment to help achieve
605 any of the following shoreline element goals:

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

607 b. public access;

608 c. water-oriented recreation;

609 d. multimodal transportation circulation;

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

611 f. preservation of historic properties;

612 6. Only water-related business services uses are allowed as part of a shoreline mixed-

613 use development and only if they support a water dependent use. The water-related business

614 services uses must comprise less than half of the square footage of the structures or the portion of

615 the site within the shoreline jurisdiction.

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

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

- 623 a. economic development for uses that are water-dependent;
- 624 b. public access;
- 625 c. water-oriented recreation;
- 626 d. multimodal transportation circulation;
- 627 e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; or
- 628 f. preservation of historic properties.

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

632 10. The following standards apply to government services uses within the Aquatic
633 environment:

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

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

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

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

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

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

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

656 (4) use the best available technology;

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

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

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

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

664 11. Only low intensity forestry is allowed in the Natural environment and all forestry
665 must meet the standards in section 37 of this ordinance.

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

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

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

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

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

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

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

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

681 d. boat repair facilities are not permitted within the Maury Island Aquatic Reserve,
682 however the following is allowed:

683 (1) engine repair or maintenance conducted within the engine space without vessel
684 haul-out;

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- 685 (2) topside cleaning, detailing and bright work;
- 686 (3) electronics servicing and maintenance;
- 687 (4) marine sanitation device servicing and maintenance that does not require haul-
- 688 out;
- 689 (5) vessel rigging; and
- 690 (6) minor repairs or modifications to the vessel's superstructure and hull above the
- 691 waterline which do not exceed twenty-five percent of the vessel's surface area above the
- 692 waterline.

693 13. The water-dependent in-stream portion of a hydroelectric generation facility,

694 wastewater treatment facility, and municipal water production are allowed, including the upland

695 supporting infrastructure.

696 14. New in-stream portions of utility facilities may be located within the shoreline

697 jurisdiction if there is no feasible alternate location and must comply with the standards in

698 section 57 of this ordinance.

699 15. Limited to in-stream infrastructure, such as bridges, and must consider the priorities

700 of the King County shoreline Protection and Restoration Plan when designing in-stream

701 transportation facilities.

702 16. Limited to hatchery and fish preserves.

703 17. Mineral uses must meet the standards in K.C.C. 21A.24.280.

704 18. Only water dependent recreational uses are allowed, except for public parks and

705 trails, in the High Intensity environment and must meet the standards in section 38 for public

706 access and section 40 for recreation.

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707 19. Water-dependent and water-enjoyment recreational uses are allowed in the
708 Residential, Rural and Forestry environments and must meet the standards in section 38 for
709 public access and 40 for recreation.

710 20. In the Conservancy environment, only the following recreation uses are allowed
711 and must meet the standards in section 38 for public access and 40 for recreation:

712 a. parks; and

713 b. trails.

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

716 22. Single detached dwelling units and residential accessory buildings must be set back
717 from the ordinary high water mark to the maximum extent practical.

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

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

722 a. docks, piers, moorage, buoys, floats or launching facilities must meet the standards
723 in section 46 of this ordinance;

724 b. accessory structures shall be limited to one-hundred fifty square foot footprint,
725 except for agricultural structures and swimming pools; and

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

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

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730 26. Utility facilities are subject to the standards in section 57 of this ordinance.

731 NEW SECTION. SECTION 34. There is hereby added a new section in the new chapter
732 established in section 14 of this ordinance to read as follows:

733 **Aquaculture.** An applicant for an aquaculture facility must use the sequential measures
734 for avoiding impacts to critical areas and critical areas buffers contained in K.C.C. 21A.24.125.

735 The following standards apply to aquaculture:

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

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

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

746 D. Aquaculture activities that would have a significant adverse impact on natural,
747 dynamic shoreline processes or that would result in a net loss of shoreline ecological functions,
748 shall be prohibited.

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

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

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

757 H. Commercial salmon net pen facilities shall not be located in King County waters.
758 These do not include limited subsistence salmon net pen facilities operated by tribes with treaty
759 fishing rights or the limited penned cultivation of wild salmon stocks during a limited portion of
760 their lifecycle to enhance restoration of native stocks or when implemented as mitigation for a
761 development activity, but only when such activities involve minimal supplemental feeding and
762 no use of chemicals or antibiotics.

763 I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and
764 for all experimental aquaculture activities, unless otherwise provided for, the department may
765 require baseline and periodic operational monitoring by a County-approved consultant, at the
766 applicant's expense, and shall continue until adequate information is available to determine the
767 success of the project and the magnitude of any probable significant adverse environmental
768 impacts. Permits for such activities shall include specific performance measures and provisions
769 for adjustment or termination of the project at any time if monitoring indicates significant,
770 adverse environmental impacts that cannot be adequately mitigated.

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

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

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

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

787 N. Unless otherwise provided in the shoreline permit issued by the department, repeated
788 introduction of an approved organism in the same location shall require approval by the County
789 only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this
790 section, shall mean the placing of any aquatic organism in any area within the waters of King
791 County regardless of whether it is a native or resident organism within the county and regardless
792 of whether it is being transferred from within or without the waters of King County.

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

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

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

807 R. Predator control shall not involve the killing or harassment of birds or mammals.
808 Approved controls include, but are not limited to, double netting for seals, overhead netting for
809 birds, and three-foot high fencing or netting for otters. The use of other non-lethal, non-abusive
810 predator control measures shall be contingent upon receipt of written approval from the National
811 Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

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

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

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

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820 3. Aquaculture proposals that include new or added net pens or rafts shall not be
821 located closer than one nautical mile to any other aquaculture facility that includes net pens or
822 rafts. The department may authorize a lesser distance if the applicant demonstrates to the
823 satisfaction of the department that the proposal will be consistent with the environmental and
824 aesthetic policies and objectives of this chapter and the Shoreline Master Program. The applicant
825 shall demonstrate to the satisfaction of the department that the cumulative impacts of existing
826 and proposed operations would not be contrary to the policies and regulations of this Program;

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

830 5. In the event of a significant fish kill at the site of a net pen facility, the fin fish
831 aquaculture operator shall submit a timely report to Public Health - Seattle-King County,
832 Environmental Health Division and the department stating the cause of death and shall detail
833 remedial actions to be implemented to prevent reoccurrence.

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

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

839 V. Aquaculture structures and equipment shall be of sound construction and shall be so
840 maintained. Abandoned or unsafe structures and equipment shall be removed or repaired
841 promptly by the owner. Where any structure might constitute a potential hazard to the public in
842 the future, the department shall require the posting of a bond commensurate with the cost of

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843 removal or repair. The department may abate an abandoned or unsafe structure pursuant to the
844 provisions of K.C.C. Title 23.

845 NEW SECTION. SECTION 35. There is hereby added a new section in the new chapter
846 established in section 14 of this ordinance to read as follows:

847 **Marinas.** Public boat launching facilities or marinas must meet the following standards:

848 A. The traffic generated by such a facility must be safely and conveniently handled by the
849 streets serving the proposed facility.

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

851 C. No live-aboards are allowed.

852 D. The marina must be limited to day moorage only.

853 E. The marina must be sited to protect the rights of navigation.

854 F. The marina must be equipped with pumpout facilities.

855 G. The marina must have provisions available for cleanup of accidental spills of
856 contaminants.

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

859 SECTION 36. K.C.C. 25.20.060, as amended by this ordinance, is hereby recodified as a
860 new section in the new chapter established in section 14 of this ordinance.

861 SECTION 37. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060, are
862 each hereby amended to read as follows:

863 **Forest practices.** (~~Forest practices may be permitted in the rural environment provided:)~~)

864 A. Forest practices (~~((see chapter 76.09 RCW) within shorelines require a shoreline conditional~~
865 ~~use permit when occurring outside of the lands classified F in the King County zoning code.~~

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866 ~~Forest practices within shorelines on lands classified F in the King County zoning code shall~~
867 ~~require a shoreline conditional use permit when~~) within shorelines of statewide significance ~~((are~~
868 ~~involved or the forest practices would potentially impact))~~ shall meet the following conditions:

- 869 1. ~~((Geological hazards which could damage public resources;~~
870 ~~2. State threatened or endangered species;~~
871 ~~3. Critical wildlife habitat;~~
872 ~~4. Streams which could create instability of the drainage or affect temperature or~~
873 ~~sediment delivery to other streams resulting in damage to public resources;~~
874 ~~5. Identified critical areas of watersheds supplying fish hatcheries, artificial rearing areas,~~
875 ~~domestic or municipal water systems;~~
876 ~~6. Areas having archeological or cultural significance;~~
877 ~~7. Areas with a high potential of soil erosion.))~~ Only selective commercial timber harvest
878 is allowed, except other timber harvesting methods may be permitted where the topography, soil
879 conditions or silviculture practices necessary for forest regeneration render selective commercial
880 timber harvests ecologically detrimental;

881 2. No more than thirty percent of the merchantable trees may be harvested in any ten
882 year period of time; and

883 3. Clear cutting of timber that is necessary for the preparation of land for other uses
884 authorized by the King County shoreline master program may be permitted so long as limited to
885 the maximum extent practical.

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

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

897 in the Natural environment are only allowed to enhance forest health.

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

900 1. The small forest landowner forestry riparian easement program established in chapter
901 222-21 WAC does not apply within shorelines; and

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

905 ~~((C))D. ((All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be~~
906 ~~kept clear of obstructions. The minimum size for culverts shall be fifteen inches in diameter.))~~
907 Forest practices in the Natural environment must be low intensity and are allowed only to
908 promote forest health.

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

911 ~~E. Roads and landings shall not be constructed within shoreline areas~~

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912 ~~except when necessary to:~~

913 ~~1. Cross streams;~~

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

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

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

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

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

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

923 ~~3/4 to 1 in stable soils~~

924 ~~1-1/2 to 1 in unstable soils~~

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

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

927 ~~1-1/2 to 1 in unstable soils~~

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

930 ~~K. Embankment fills shall:~~

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

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

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

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

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

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

942 ~~O. All bridges shall be high enough to pass all anticipated debris and high water flows.~~

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

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

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

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

951 ~~T. Materials treated with penta, creosote or other chemicals shall be dried completely~~
952 ~~before use in any lake or stream.))~~

953 NEW SECTION. SECTION 38. There is hereby added a new section in the new chapter
954 established in section 14 of this ordinance to read as follows:

955 **Public Access.** Public pedestrian and bicycle pathways shall be located in accordance with
956 the shoreline public access plan and as follows:

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957 A. Public access shall be required for attached residential developments, new
958 subdivisions of more than four lots, on publicly owned land, including, but not limited to land
959 owned by public agencies and public utilities, marinas and as part of publicly financed shoreline
960 stabilization projects, and shall:

961 1. Connect to other public and private public access and recreation facilities on adjacent
962 parcels whenever feasible;

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

964 3. Be open to the general public; and

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

966 B. Public pedestrian and bicycle pathways and recreation areas constructed as part of a
967 private development proposal should enhance access and enjoyment of the shoreline and provide
968 features in scale with the development such as, but not limited to:

969 1. View points;

970 2. Places to congregate in proportion to the scale of the development;

971 3. Benches and picnic tables;

972 4. Pathways; and

973 5. Connections to other public and private public access and recreation facilities.

974 C. Private access from single detached residences to the shoreline shall:

975 1. Not exceed three feet in width;

976 2. Be constructed of pervious materials, such as wood chips;

977 3. Avoid removal of significant trees and other woody vegetation to the maximum extent
978 practical; and

979 4. Avoid a location that is parallel to the shoreline to the maximum extent practical.

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980 SECTION 39. K.C.C. 25.16.200, as amended by this ordinance, is hereby recodified as a
981 new section in the new chapter established in section 14 of this ordinance.

982 SECTION 40. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each hereby
983 amended to read as follows:

984 **Recreation.** Recreational development (~~((may be permitted in the urban environment~~
985 ~~subject to the general requirements (Section 25.16.030) of this chapter, and provided))~~ must meet
986 the following standards:

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

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

989 ~~((B))~~C. Swimming areas shall be separated from boat launch areas and marinas, to the
990 maximum extent practical.

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

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

993 2. Constitute a navigational hazard; and

994 3. Be located in areas where the normal waterborne traffic would constitute a hazard to
995 those people who may use such a site.

996 ~~((D))~~E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and
997 launching facilities below the ordinary high water mark shall be governed by the regulations
998 relating to docks, piers, ~~((and))~~ moorage, buoys, floats, or launching facility construction in ~~((the~~
999 ~~commercial development))~~ section 46 ~~((Section 25.16.070))~~ of this ~~((chapter))~~ ordinance.

1000 ~~((E))~~F. Public boat launching facilities or marinas ~~((may be developed, provided:~~

1001 1. ~~The traffic generated by such a facility can be safely and conveniently handled by the~~
1002 ~~streets serving the proposed facility;~~

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1003 ~~2. The facility will not be located on a Class I beach;)) shall be governed by section 35 of~~
1004 this ordinance.

1005 ~~((F))G. ((Upland facilities constructed in conjunction with a recreational development shall~~
1006 ~~be setback and/or sited to avoid contamination of the shorelines of the state-))~~ Campgrounds in the
1007 Natural environment shall meet the following conditions:

1008 1. Campsite shall be located outside the shoreline jurisdiction if possible, and if not, be
1009 located outside of critical areas buffers;

1010 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

1011 3. Minimum removal of vegetation to the maximum extent practical.

1012 ~~((G. All service facilities within and associated with marinas shall have provisions to~~
1013 ~~prevent and control contaminants from entering the water. Provisions shall be available for~~
1014 ~~cleanup of accidental spills of contaminants.~~

1015 ~~H. Marina facilities shall be prohibited on Class I beaches or where their development~~
1016 ~~would interrupt littoral currents and starve Class I beaches.~~

1017 ~~I. Public pedestrian and bicycle pathways shall be permitted adjacent to water bodies.))~~

1018 ~~((J))H.~~ Public contact with unique and fragile areas shall be permitted where it is possible
1019 without destroying the natural character of the area.

1020 ~~((K))I.~~ Water viewing, nature study, recording and viewing shall be accommodated by
1021 open space, platforms, benches or shelter, consistent with public safety and security.

1022 J. Public recreation shall be provided on County-owned lands consistent with this chapter
1023 unless the director determines that public recreation is not compatible with other uses on the site or
1024 will create a public safety risk.

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1025 NEW SECTION. SECTION 41. There is hereby added a new section in the new chapter
1026 established in section 14 of this ordinance to read as follows:

1027 **Interpretation of shoreline modification table.** The shoreline modification table in
1028 section 42 of this ordinance determines whether a specific shoreline modification is allowed
1029 within each of the shoreline environments. The shoreline environment is located on the vertical
1030 column and the specific use is located on the horizontal row of the table. The specific
1031 modifications are grouped by the shoreline modification categories in WAC 173-26-231. The
1032 table should be interpreted as follows:

1033 A. If the cell is blank in the box at the intersection of the column and the row, the
1034 modification is not allowed in that shoreline environment.

1035 B. If the letter "P" appears in the box at the intersection of the column and the row, the
1036 modification may be allowed within the shoreline environment only if the underlying zoning
1037 allows the modification.

1038 C. If the letter "C" appears in the box at the intersection of the column and the row, the
1039 modification may be allowed within the shoreline environment subject to the shoreline
1040 conditional use review procedures specified in section 118 of this ordinance, and only if the
1041 underlying zoning allows the modification.

1042 D. If a number appears in the box at the intersection of the column and the row, the
1043 modification may be allowed subject to the appropriate review process indicated in this section,
1044 the specific development conditions indicated with the corresponding number immediately
1045 following the table, and only if the underlying zoning allows the modification. If more than one
1046 number appears at the intersection of the column and row, both numbers apply.

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1047 E. If more than one letter-number combination appears in the box at the intersection of
1048 the column and the row, the modification is allowed within that shoreline environment subject to
1049 different sets of limitations or conditions depending on the review process indicated by the letter,
1050 the specific development conditions indicated in the development condition with the
1051 corresponding number immediately following the table, and only if the underlying zoning allows
1052 the modification.

1053 NEW SECTION. SECTION 42. There is hereby added a new section in the new chapter
1054 established in section 14 of this ordinance to read as follows:

1055 **Shoreline modifications.** A. This section may not authorize a shoreline modification
1056 that is not allowed by the underlying zoning, but may add additional restrictions or conditions or
1057 prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in
1058 the shoreline jurisdiction must comply with all relevant county code provisions and with the
1059 King County Shoreline Master Program.

1060 **Shoreline modifications.**

KEY P - Permitted Modification C - Shoreline Conditional Use Required Shoreline modifications are allowed only if the underlying zoning allows the modification.	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
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1	C1	C1
Flood protection facilities	P2	P2	P2	P2	P2			P2

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KEY P - Permitted Modification C – Shoreline Conditional Use Required	H I G H	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C
Shoreline modifications are allowed only if the underlying zoning allows the modification.								
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	C5	C5	C5	C5	C5	C5	C5	C5
Beach and dunes management								
Not applicable in King County								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P4 and C4	P4 and C4	P4 and C4	P4 and C4	P4 and C4	C4	C4	C4
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P6	P6	P6	P6	P6	P6	P6	P6

- 1061 B. Development conditions.
- 1062 1. New shoreline stabilization, including bulkheads, must meet the standards in section
- 1063 44 of this ordinance;
- 1064 2. Flood protection facilities must be consistent with the standards in K.C.C. chapter
- 1065 21A.24, the King County Flood Hazard Management Plan adopted January 16, 2007 and the

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1066 Integrated Stream Protection Guidelines (Washington departments of Fish and Wildlife, Ecology,
1067 and Transportation, 2003).

1068 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the standards
1069 in section 46 of this ordinance;

1070 4. Excavation, dredging and filling must meet the standards in section 48 of this
1071 ordinance. Fill placed waterward of the ordinary high water mark for any use except ecological
1072 restoration or for the maintenance and repair of flood protection facilities requires a conditional
1073 use permit. Disposal of dredged material within shorelands or wetlands within a channel
1074 migration zone requires a conditional use permit;

1075 5. Breakwaters, jetties, groins and weirs are only allowed where necessary to support
1076 water dependent uses, public access, approved shoreline stabilization, or other public uses, as
1077 determined by the director. Groins are only allowed as part of a restoration project sponsored or
1078 cosponsored by a public agency that has natural resource management as a primary function. The
1079 mitigation sequencing of shoreline policy S-613 must be followed prior to approval of a
1080 breakwater, jetty, groin or weir;

1081 6. Shoreline habitat and natural systems enhancement projects may include shoreline
1082 modifications of vegetation, removal of non-native or invasive plants, shoreline stabilization,
1083 including the installation of large woody debris, dredging and filling provided the primary
1084 purpose is clearly restoration of the natural character and ecological functions of the shoreline.
1085 Mitigation actions identified through biological assessments required by the National Marine
1086 Fisheries Services and applied to flood hazard mitigation projects may include shoreline
1087 modifications of vegetation, removal of non-native or invasive plants, shoreline stabilization,
1088 including the installation of large woody debris, dredging and filling.

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1089 SECTION 43. K.C.C. 25.16.180, as amended by this ordinance, is hereby recodified as a
1090 new section in the new chapter established in section 14 of this ordinance.

1091 SECTION 44. Ordinance 3688, Section 413, as amended, and K.C.C. 25.16.180, are
1092 each hereby amended to read as follows:

1093 **Shoreline ((~~protection~~)) stabilization.** Shoreline stabilization shall not be considered an
1094 outright use and shall be permitted only when it has been demonstrated that shoreline protection is
1095 necessary for the protection of existing legally established primary structures, new non-water-
1096 dependent development, existing water-dependent development or projects for the restoration of
1097 ecological functions or hazardous substance remediation. Shoreline ((~~protection~~)) stabilization
1098 may be permitted ((~~in the urban environment~~)) subject to the standards in this chapter, provided:

1099 A. An applicant must demonstrate the following in order to construct new shoreline
1100 stabilization:

1101 1. A geotechnical analysis demonstrates that erosion from waves or currents is
1102 imminently threatening and that damage is expected to occur within three years if the shoreline
1103 stabilization is not constructed; and

1104 2. The erosion is not caused by upland conditions; and

1105 3. The proposed shoreline protection will provide greater protection than feasible,
1106 non-structural alternatives such as slope drainage systems, vegetative growth stabilization, gravel
1107 berms and beach nourishment; and

1108 4. The proposal is the minimum necessary to protect existing legally established primary
1109 structures, new non-water-dependent development, existing water-dependent development or
1110 projects for the restoration of ecological functions or hazardous substance remediation; and

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1111 5. Adequate mitigation measures that maintain existing shoreline processes and critical
1112 fish and wildlife habitat will be provided that ensure no net loss or function of intertidal or riparian
1113 habitat.

1114 ~~((A))~~B. Shoreline ~~((protection))~~ stabilization to replace existing shoreline ~~((protection))~~
1115 stabilization shall be placed ~~((along the same alignment as the shoreline protection it is replacing,))~~
1116 landward of the existing shoreline stabilization, but may be placed waterward directly abutting the
1117 old structure only in cases where removal of the old structure would result in ~~((construction~~
1118 problems)) greater impact on ecological functions. In critical saltwater habitats, existing shoreline
1119 stabilization shall not be allowed to remain in place if the existing shoreline stabilization is
1120 resulting in the loss of ecological functions. Adequate mitigation measures that maintain existing
1121 shoreline processes and critical fish and wildlife habitat must be provided that ensures no net loss
1122 or function of intertidal or riparian habitat((;)).

1123 ~~((B. On lots where the abutting lots on both sides have legally established bulkheads, a~~
1124 ~~bulkhead may be installed no further waterward than the bulkheads on the abutting lots, provided~~
1125 ~~that the horizontal distance between existing bulkheads on adjoining lots does not exceed~~
1126 ~~one hundred feet. The manager may, upon review, permit a bulkhead to connect two directly~~
1127 ~~adjoining bulkheads , for a distance up to one hundred fifty feet. In making such a determination~~
1128 ~~the manager shall consider the amount of inter-tidal land/or water bottom to be covered, the~~
1129 ~~existence of fish or shellfish resources thereon, and whether the proposed use or structure could be~~
1130 ~~accommodated by other configurations of bulkhead which would result in less loss of shoreland,~~
1131 ~~tideland, or water bottom;))~~

1132 C. The maximum height of the proposed shoreline stabilization is no more than one foot
1133 above the elevation of extreme high water on tidal waters as determined by the National Ocean

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1134 Survey published by the National Oceanic and Atmospheric Administration or four feet in height
1135 on lakes.

1136 ~~((C. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3) (e) (iii)~~
1137 ~~exemption from the shoreline permit requirements and to insure that such bulkheads will be~~
1138 ~~consistent with this program as required by RCW 90.58.141(1), the Building and Land~~
1139 ~~Development Division shall review the proposed design as it relates to local physical conditions~~
1140 ~~and the King County shoreline master program and must find that:~~

1141 ~~1. Erosion from waves or currents is imminently threatening a legally established~~
1142 ~~residence or one or more substantial accessory structures, and~~

1143 ~~2. The proposed bulkhead is more consistent with the King County shoreline master~~
1144 ~~program in protecting the site and adjoining shorelines than feasible, non-structural alternatives~~
1145 ~~such as slope drainage systems, vegetative growth stabilization, gravel berms and beach~~
1146 ~~nourishment, are not feasible or will not adequately protect a legally established residence or~~
1147 ~~substantial accessory structure, and~~

1148 ~~3. The proposed bulkhead is located landward of the ordinary high water mark or it~~
1149 ~~connects to adjacent, legally established bulkheads as in subsection B. above, and~~

1150 ~~4. The maximum height of the proposed bulkhead is no more than one foot above the~~
1151 ~~elevation of extreme high water on tidal waters as determined by the National Ocean Survey~~
1152 ~~published by the National Oceanic and Atmospheric Administration or four feet in height on lakes;~~

1153 ~~D. Shoreline protection shall not be considered an outright permitted use and shall be~~
1154 ~~permitted only when it has been demonstrated that shoreline protection is necessary for the~~
1155 ~~protection of existing legally established structures and public improvements or the preservation of~~
1156 ~~important agricultural lands as designated by the Office of Agriculture.))~~

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1157 D. Shoreline stabilization is prohibited along feeder bluffs, salmonid habitat and eelgrass
1158 beds unless a geotechnical report demonstrates an imminent danger to a legally established
1159 structure or public improvement. If allowed, shoreline stabilization along feeder bluffs,
1160 salmonid habitat and eelgrass beds must be designed to have the least impact on these resources.

1161 E. Shoreline ~~((protection))~~ stabilization shall ~~((not have))~~ minimize the adverse impact on
1162 the property of others to the maximum extent practical.

1163 F. Shoreline ~~((protection))~~ stabilization shall not be used to create new lands ~~((, except that~~
1164 ~~groins may be used to create a public Class I beach if they comply with all other conditions of this~~
1165 ~~section))~~.

1166 G. Shoreline ~~((protection))~~ stabilization shall not ~~((significantly))~~ interfere with ~~((normal))~~
1167 surface ~~((and/))~~ or subsurface drainage into the water body.

1168 H. Automobile bodies or other junk or waste material which may release undesirable
1169 material shall not be used for shoreline ~~((protection))~~ stabilization.

1170 I. Shoreline ~~((protection))~~ stabilization shall be designed so as not to constitute a hazard to
1171 navigation and to not substantially interfere with visual access to the water.

1172 J. Shoreline ~~((protection))~~ stabilization shall be designed so as not to create a need for
1173 shoreline ~~((protection))~~ stabilization elsewhere.

1174 ~~((K. Bulkheads on Class I beaches shall be located no farther waterward than the bluff or~~
1175 ~~bank line;~~

1176 ~~L. Bulkheads must be approved by the Washington State Department of Fisheries;~~

1177 ~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable means to~~
1178 ~~allow passage of surface and groundwater without internal erosion of fine material;~~

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1179 ~~N. Groins are permitted only as part of a professionally designed community or public~~
1180 ~~beach management program.))~~

1181 K. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines
1182 (Washington departments of Fish and Wildlife, Ecology, and Transportation, 2003) and shall be
1183 designed to allow for appropriate public access to the shoreline.

1184 L. The department shall provide a notice to applicants for new development on Vashon
1185 and Maury Island that their development may be impacted by sea level rise and recommend that
1186 the applicant voluntarily consider setting the development back further than required by this Title
1187 to provide for future sea level rise.

1188 SECTION 45. K.C.C. 25.16.120, as amended by this ordinance, is hereby recodified as a
1189 new section in the new chapter established in section 14 of this ordinance.

1190 SECTION 46. Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120 are
1191 each hereby amended to read as follows:

1192 ~~((Residential development--))~~ **Docks, ((P))piers, moorage, buoys, floats or launching**
1193 **facilities((-Conditions)).** A. Any dock, pier, moorage, buoy, float or launching facility
1194 authorized by ((K.C.C. 25.16.090 through 25.16.140)) this chapter shall be subject to ((the
1195 following conditions:

1196 A. ~~((No structure may be located nor extend further waterward of the ordinary high~~
1197 ~~water mark than one fourth the total distance from the shoreline associated with the structure to~~
1198 ~~the opposite shoreline. This total distance shall be measured from the point where the authorized~~
1199 ~~structure abuts the ordinary high water mark to the nearest opposite high water mark as measured~~
1200 ~~along a straight line; provided, when the structure does not abut the ordinary high water mark,~~
1201 ~~the distance from one ordinary high water mark to the opposite ordinary high water mark shall be~~

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1202 ~~measured along the shortest straight line passing through the center of that structure which~~
1203 ~~commences from the property associated with such a structure.-))~~ Docks, piers, moorage, buoy,
1204 floats or launching facilities are allowed only for water dependent uses or for public access. A
1205 water related or water enjoyment use may be allowed on an over-water structure only as part of a
1206 mixed-use development only if auxiliary to and in support of a water dependent use;

1207 B. Any dock, pier, moorage, buoy, float or launching facility proposal on marine waters
1208 must include an evaluation of the nearshore environment and the potential impact of the facility
1209 on that environment;

1210 C. In the High Intensity, Residential, Rural and Conservancy environments, the
1211 following standards apply:

1212 1. Only joint use boat lift, dock, pier, moorage, buoys, float or launching facilities are
1213 allowed for attached dwelling unit development proposals;

1214 2. Only one boat lift, dock, pier, moorage, buoy, float or launching facility may be
1215 allowed for each single detached residential parcel and only if the applicant demonstrates there is
1216 no feasible practical option; and

1217 3. Only one boat lift, dock, pier, moorage, buoy, float or launching facility is allowed
1218 for each commercial or industrial use.

1219 D. In the Conservancy environment, a boat lift, dock or pier for a residential, commercial
1220 or manufacturing use must be located at least two hundred fifty feet from another dock or pier;

1221 E. In the Natural environment, a boat lift, dock, pier, moorage, buoy, float or launching
1222 facility is prohibited;

1223 F. In freshwater lakes:

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- 1224 1. The only structures permitted in the first 30 feet waterward of the ordinary high
1225 water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the the
1226 ordinary high water mark;
- 1227 2. No skirting is allowed on any structure;
- 1228 3. Surface coverage (includes all overwater portions of the moorage structure):
- 1229 a. Moorage facilities serving only one residential waterfront lot shall not exceed four
1230 hundred eighty square feet;
- 1231 b. Moorage facilities serving two residential waterfront lots shall not exceed seven
1232 hundred square feet;
- 1233 c. Moorage facilities serving three or more residential waterfront lots shall not exceed
1234 one thousand square feet;
- 1235 4. On lakes with anadromous salmon:
- 1236 a. docks with configurations that do not include any or all of the following elements
1237 shall be subject to the overall length and square footage limitations of this section and no portion
1238 of the dock shall exceed four feet in width, unless allowed in this subsection;
- 1239 b. Piers shall not exceed four feet wide and shall be fully grated;
- 1240 c. Ramps shall not exceed three feet wide and shall be fully grated;
- 1241 d.i. Ells are allowed only over water with depths of nine feet or greater at the landward
1242 end of the ell:
- 1243 ii. Ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of
1244 grating down the center; or
- 1245 iii. Ells may be up to six feet wide by 26 feet long with grating over the entire ell;

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1246 d.i. Floats are allowed only over water with depths of 10 feet or greater at the
1247 landward end of the float; and

1248 ii. Floats may be up to six feet wide by 20 feet long, with a two-foot-wide strip of
1249 grating down the center; and

1250 e. In no case may any moorage facility extend more than 150 feet waterward of the
1251 ordinary high water mark.

1252 5.a. In freshwater lakes with anadromous salmon, the first (nearest shore) piling shall
1253 be steel, four-inch piling and at least eighteen feet waterward of the ordinary high water mark.
1254 Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and
1255 shall not be greater than twelve inches in diameter.

1256 b. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably
1257 toxic compounds. If ACZA pilings are proposed, the applicant will meet all of the Best
1258 Management Practices, including a post-treatment procedure, as outlined in the amended Best
1259 Management Practices of the Western Wood Preservers.

1260 c. Steel piles will be installed using approved sound attenuation measures.

1261 6.a. Existing habitat features (e.g., large and small woody debris, substrate material,
1262 etc.) shall be retained and new or expanded moorage facilities placed to avoid disturbance of
1263 such features.

1264 b. Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.

1265 c. In order to mitigate the impacts of new or expanded moorage facilities, the
1266 applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a
1267 minimum of ten feet wide along the entire length of the lot immediately landward of ordinary
1268 high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent

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1269 vegetation. At least five native trees will be included in a planting plan containing one or more
1270 evergreen trees and two or more trees that like wet roots (e.g., willow species). Such planting
1271 shall be monitored for a period of five years consistent with a monitoring plan approved pursuant
1272 to K.C.C. chapter 21A.24. This subsection is not intended to prevent reasonable access through
1273 the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical
1274 area.

1275 7. No private moorage or other structure waterward of the ordinary high water mark,
1276 including structures attached thereto, shall be closer than twelve feet to any adjacent property
1277 line except when a mutual agreement of adjoining property owners is recorded with the King
1278 County Records and Elections Division. Excepted from the requirements of this section are boat
1279 lifts or portions of boat lifts that do not exceed thirty inches in height measured from ordinary
1280 high water mark.

1281 8. Proposals described in this subsection to repair legally established moorage facilities
1282 that do not meet the requirements of subsection F.1 of this section require partial compliance
1283 with such requirements, as follows. A proposal includes any and all actions proposed within a
1284 twelve month period:

1285 a. The following proposals shall require the need for partial compliance with
1286 subsection F.1 of this section. If a proposal requires partial compliance, the applicant shall
1287 perform one of the improvements listed in subsection N.2.ii below.

1288 i. Proposals to replace more than fifty percent of the decking and the above-water
1289 decking substructure (e.g., stringers) within the first thirty feet waterward of the ordinary high
1290 water mark, or of the existing access ramp, whichever is less; or

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- 1291 ii. Proposals to replace more than fifty percent of the decking and decking
1292 substructure of the entire moorage; or
- 1293 iii. Proposals involving the combination of either subsection F.1.a.i.(A) or (B) of this
1294 section with a proposal to replace more than two but less than fifty percent of the existing piles.
- 1295 b. If the proposal requires the need for partial compliance, the applicant may choose
1296 one of the following improvements. The improvement shall be completed with the original
1297 proposal:
- 1298 i. Reduce of the width of that portion of the facility within the first thirty feet
1299 waterward of the ordinary high water mark, or of any access ramp to no more than four feet
1300 wide; or
- 1301 ii. Fully grate the affected portion of the facility; or
- 1302 iii. Remove skirting from the entire facility; or
- 1303 iv. Remove existing piles from the first 18 feet of the facility; or
- 1304 v. Enhance the shoreline critical area buffer to meet the shoreline plantings
1305 requirements of subsection F.1.b.vi.(3) of this section.
- 1306 c. Proposals involving replacement of moorage piles shall require full compliance of
1307 replacement moorage piles with the development standards of subsection F.1.b.v of this section.
- 1308 d. Proposals involving replacement of more than fifty percent of the structural piles
1309 of the moorage facility shall be considered a new moorage facility and shall comply with the
1310 provisions of subsection F.1 of this section.
- 1311 9. Proposals to repair existing legally established moorage facilities where the nature
1312 of the repair is not described in subsection F.8.a of this section shall be considered minor repairs

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1313 and are permitted, consistent with any applicable standards of this Title, Title 16 and any other
1314 applicable codes or regulations.

1315 G. On marine waters, moorage facilities shall comply with United States Army Corps of
1316 Engineers Regional General Permit RGP-6 issued February 14, 2005 and revised July 9, 2007.

1317 ~~((B))~~ H. No covered boat lift, dock, pier, covered moorage, covered float, or other
1318 covered structure is permitted waterward of the ordinary high water mark, except that
1319 submerged, free-standing mechanical boat lifts associated with ~~((single family))~~ single detached
1320 residential docks or piers and recreational watercraft, that are located outside the Maury Island
1321 Environment Aquatic Reserve, may be covered with a canopy, provided:

1322 1. No canopy shall be more than ~~((25))~~ twenty-five feet in length or wider than ~~((15))~~
1323 fifteen feet;

1324 2. No portion of the canopy shall exceed a height of ~~((40))~~ ten feet above the Ordinary
1325 High Water Line ~~((OHWL))~~;

1326 3. The canopy shall at no time have any side partly or wholly enclosed;

1327 4. The highest portion of the canopy shall be located below the topographical grade of
1328 existing homes on surrounding properties;

1329 5. Canopies shall be made out of canvas or other such non-toxic materials;

1330 6. Canopies shall be of a ~~((solid color and should be of a shade which is non-obtrusive))~~
1331 translucent material to allow light transmission;

1332 7. The canopy shall be included in the square footage calculations for docks and piers,
1333 as enumerated in ~~((K.C.C. 25.16.140E))~~ United States Army Corps of Engineers General Permit
1334 RGP-3 issued March 7, 2005 and the United States Army Corps of Engineers General Permit
1335 RGP-6 issued February 14, 2005; and

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1336 8. Only one boat lift canopy per ~~((single-family))~~ single detached residence shall be
1337 allowed.

1338 ~~((C. No pier, moorage, float, or overwater structure or device shall be located closer than
1339 fifteen feet from the side property line extended, except that such structures may abut property
1340 lines for the common use of adjacent property owners when mutually agreed to by the property
1341 owners in a contract recorded with the King County division of records and elections, a copy of
1342 which must accompany an application for a building permit or a shoreline permit; such joint use
1343 piers may be permitted up to twice the surface area allowed by this title.~~

1344 ~~D. All piers, moorages, floats or other such structures shall float at all times on the
1345 surface of the water or shall be of open pile construction, provided no portion of the structure
1346 shall, during the course of the normal fluctuations of the elevation of the water body, protrude
1347 more than five feet above the surface of the water, except as provided in subsection B2.~~

1348 ~~E. No pier, including finger pier, moorage, float, or overwater structure or device shall
1349 be wider than fifty percent of the lot with which it is associated.~~

1350 ~~F.))~~ I. No dwelling unit may be constructed on a dock or pier.

1351 J. Buoys shall meet the following conditions:

1352 1. Buoys shall not impede navigation;

1353 2. The use of buoys for moorage of recreational and commercial vessels is preferred
1354 over pilings or float structures;

1355 3. Buoys shall be located and managed in a manner that minimizes impacts to eelgrass
1356 and other aquatic vegetation;

1357 4. Preference should be given mid line float or all-rope line systems that have the least
1358 impact on marine vegetation;

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1359 5. New buoys that would result in a closure of local shellfish beds for future harvest
1360 shall be prohibited; and

1361 6. No more than four buoys per acre are allowed.

1362 SECTION 47. K.C.C. 25.16.190, as amended by this ordinance, is hereby recodified as a
1363 new section in the new chapter established in section 14 of this ordinance.

1364 SECTION 48. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190, are
1365 each hereby amended to read as follows:

1366 **Excavation, dredging, dredge material disposal and filling.** Excavation, dredging,
1367 dredge material disposal and filling may be permitted (~~((in the urban environment, only as part of~~
1368 ~~an approved overall development plan not as an independent activity provided))~~ only as follows:

1369 A. Any fill or excavation (~~((regardless of size,))~~ landward of the ordinary high water mark
1370 shall be subject to the provisions of K.C.C. ~~chapter 16.82((-100))~~ and K.C.C. chapter 21A.24((;)).

1371 B. (~~(Landfill)~~) Fill may be permitted below the ordinary high water mark only:

1372 1. (~~(w)~~) When necessary ((for the operation of)) to support a water dependent (~~((or water~~
1373 ~~related))~~ use((;));

1374 2. To provide for public access;

1375 3. (~~(or w)~~) When necessary to mitigate conditions ((which)) that endanger public safety,
1376 including flood risk reduction projects;

1377 4. To allow for cleanup and disposal of contaminated sediments as part of an interagency
1378 environmental cleanup plan;

1379 5. To allow for the disposal of dredged material considered suitable under, and conducted
1380 in accordance with, the dredged material management program of the Washington Department of
1381 Natural Resources;

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1382 6. For expansion or alteration of transportation or utility facilities currently located on the
1383 shoreline and then only upon demonstration that alternatives to fill are not feasible; or

1384 7. As part of mitigation actions, environmental restoration projects and habitat
1385 enhancement projects.

1386 C. ~~((Landfill))~~ Fill or excavations shall be permitted only when technical information
1387 demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially
1388 impaired((;)).

1389 ~~((D. Landfill or disposal of dredged material shall be prohibited within the floodway;~~

1390 ~~E. Wetlands such as marshes, swamps, and bogs shall not be disturbed or altered through~~
1391 ~~excavation, filling, dredging, or disposal of dredged material unless the manager determines that~~
1392 ~~either:~~

1393 ~~1. The wetland does not serve any of the valuable functions of wetlands identified in~~
1394 ~~K.C.C. 20.12.080 and U.S. Army Corps of Engineers 33 CFR 320.4(b), including but not limited~~
1395 ~~to wildlife habitat and natural drainage functions, or~~

1396 ~~2. The proposed development would preserve or enhance the wildlife habitat, natural~~
1397 ~~drainage, and/or other valuable functions of wetlands as discussed in K.C.C. 20.12.080 or U.S.~~
1398 ~~Army Corps of Engineers 33 CFR 320.4(b) and would be consistent with the purposes of this Title;~~

1399 ~~F. Class I beaches shall not be covered by landfill except for approved beach feeding~~
1400 ~~programs;~~

1401 ~~G. Excavations on beaches shall include precautions to prevent the migration of fine grain~~
1402 ~~sediments, disturbed by the excavation, onto adjacent beach areas and excavations on beaches shall~~
1403 ~~be backfilled promptly using material of similar composition and similar or more coarse grain size;~~

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1404 ~~H. No refuse disposal sites, solid waste disposal sites, or sanitary fills of putrescible or~~
1405 ~~non-putrescible material shall be permitted within the shorelines of the state;))~~

1406 ((~~F~~)D. ((~~Excavation or dredging~~)) Dredging and dredged material disposal below the
1407 ordinary high water mark shall be permitted only:

1408 1. When necessary for the operation of a water dependent ((~~or water related~~)) use((~~, or~~));

1409 2. When necessary to mitigate conditions ((~~which~~)) that endanger public safety or
1410 fisheries resources((~~, or~~));

1411 3. As part of and necessary to roadside or agricultural ditch maintenance that is
1412 performed consistent with best management practices promulgated through administrative rules
1413 pursuant to the ((~~sensitive~~)) critical areas provisions of K.C.C. chapter 21A.24 and if:

1414 a. the maintenance does not involve any expansion of the ditch beyond its previously
1415 excavated size. This limitation shall not restrict the county's ability to require mitigation, pursuant
1416 to K.C.C. chapter 21A.24, or other applicable laws;

1417 b. the ditch was not constructed or created in violation of law;

1418 c. the maintenance is accomplished with the least amount of disturbance to the stream or
1419 ditch as possible;

1420 d. the maintenance occurs during the summer low flow period and is timed to avoid
1421 disturbance to the stream or ditch during periods critical to salmonids; and

1422 e. the maintenance complies with standards designed to protect salmonids and salmonid
1423 habitat, consistent with K.C.C. chapter 21A.24; provided, that this paragraph shall not be construed
1424 to permit the mining or quarrying of any substance below the ordinary high water mark;

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1425 4. For establishing, maintaining, expanding, relocating or reconfiguring navigation
1426 channels and basins when necessary to assure safe and efficient accommodation of existing
1427 navigation uses when:

1428 a. significant ecological impacts are minimized;

1429 b. mitigation is provided;

1430 c. maintained to the existing authorized location, depth and width; and

1431 5. For restoration projects when:

1432 a. the site where the fill is placed is located waterward of the ordinary high water mark;

1433 and

1434 b. the project is associated with a habitat project under the Model Toxics Control Act or
1435 the Comprehensive Environmental Response, Compensation, and Liability Act; or

1436 c. any habitat enhancement or restoration project; and

1437 6. For flood risk reduction projects conducted in accordance with Policy RCM-3 of the
1438 King County Flood Hazard Management Plan.

1439 E. Dredging is not allowed waterward of the ordinary high water mark for the primary
1440 purpose of obtaining fill material.

1441 ~~((F))~~F. Disposal of dredged material shall be done only in approved deep water disposal
1442 sites or approved ~~((contain))~~ upland disposal sites and is not allowed within wetlands or channel
1443 migration zones~~((;))~~.

1444 ~~((K))~~G. Stockpiling of dredged material in or under water is prohibited~~((;))~~.

1445 ~~((L. Maintenance dredging not requiring a shoreline permit(s) shall conform to the~~
1446 requirements of this section;

1447 ~~M. Dredging shall be timed so that it does not interfere with aquatic life;~~

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1448 ~~N. The county may impose reasonable conditions on dredging or disposal operations~~
1449 ~~including but not limited to working seasons and provisions of buffer strips, including retention or~~
1450 ~~replacement of existing vegetation, dikes, and settling basins to protect the public safety and shore~~
1451 ~~users' lawful interests from unnecessary adverse impact;))~~

1452 ~~((~~Θ~~))~~H. In order to insure that operations involving dredged material disposal and
1453 maintenance dredging are consistent with ~~((this program))~~ the King County shoreline master
1454 program as required by RCW 90.58.140(1), no dredging may commence ~~((~~on~~))~~ in any shoreline
1455 environment without the responsible person having first obtained either a substantial development
1456 permit or a statement of exemption. ~~((~~PROVIDED, that no~~))~~ A statement of exemption or
1457 shoreline permit is not required ~~((~~for~~))~~ prior to emergency dredging needed to protect property
1458 from imminent damage by the elements~~((;))~~, if statement of exemption or substantial development
1459 permit is subsequently obtained following the procedures in K.C.C. 16.82.065.

1460 ~~((P. Operation and maintenance of any existing system of ditches, canals, or drains, or~~
1461 ~~construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit~~
1462 ~~requirement.))~~

1463 NEW SECTION. SECTION 49. There is hereby added a new section in the new chapter
1464 established in section 14 of this ordinance to read as follows:

1465 **Expansion of existing residential structures.** The expansion of a dwelling unit or
1466 residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C.
1467 21A.24.045, is subject to the following:

1468 A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a shoreline
1469 conditional use permit is required.

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1470 B. If the proposed expansion will result in a total cumulative expansion of the dwelling
1471 unit and accessory structures of more than one thousand square feet, a shoreline variance is
1472 required.

1473 C. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
1474 expansion is not allowed.

1475 NEW SECTION. SECTION 50. There is hereby added a new section in the new chapter
1476 established in section 14 of this ordinance to read as follows:

1477 **Interpretation of shoreline density and dimensions table.** The shoreline density and
1478 dimensions table in section 51 of this ordinance establishes the shoreline standards within each
1479 of the shoreline environments. The shoreline environment is located on the vertical column and
1480 the density and dimensions standard is located on the horizontal row of the table. The table
1481 should be interpreted as follows:

1482 A. If the cell is blank in the box at the intersection of the column and the row, the
1483 standards are the same as for the underlying zoning.

1484 B. If the cell has a number in the box at the intersection of the column and the row, that
1485 number is the density or dimension standard for that shoreline environment.

1486 C. If the cell has a parenthetical number in the box at the intersection of the column and
1487 the row, that parenthetical number identifies specific conditions immediately following the table
1488 that are related to the density and dimension standard for that environment.

1489 NEW SECTION. SECTION 51. There is hereby added a new section in the new chapter
1490 established in section 14 of this ordinance to read as follows:

1491 **Shoreline density and dimensions.**

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1492 A. The density and dimensions enumerated in this section apply to any lot that has
1493 buildable area within the shoreline jurisdiction. Buildable area means that the area of the lot,
1494 exclusive of any setbacks upon which a structure may be constructed. If there is a conflict between
1495 the density and dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive
1496 shall apply.

1497 **Shoreline density and dimensions.**

	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	100 feet	150 feet	150 feet	330 feet	

1498 B. Development conditions.

1499 1. This height can be exceeded consistent with the base height for the zone for:

1500 a. agricultural buildings;

1501 b. water-dependent uses and water-related uses, when water views for residential
1502 property are preserved to the maximum extent practical; and

1503 c. light rail transit support structures, but no more than is reasonably necessary to
1504 address the engineering, operational, environmental issues at the location of the structure;

1505 2. The minimum lot areas may be reduced as follows:

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1506 a. to no less than 10,000 square feet or the minimum lot areas for the zone, which ever
1507 is greater, through lot averaging; and

1508 b. to no less than 8,000 square feet, or the minimum lot areas for the zone, whichever
1509 is greater, through cluster development as provided in K.C.C. chapter 21A.14 when public access
1510 is provided.

1511 SECTION 52. K.C.C. 25.16.150, as amended by this ordinance, is hereby recodified as a
1512 new section in the new chapter established in section 14 of this ordinance.

1513 SECTION 53. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150 are each
1514 hereby amended to read as follows:

1515 **Subdivisions.** A. Any existing lot that does not comply with the density and dimensions
1516 standards of K.C.C. chapter 21A.12 or section 51 of this ordinance and that is located wholly or
1517 partially within the shorelines of the state shall be subject to the following provisions:

1518 1. If the adjoining property is not under the same ownership as such lot, then the lot shall
1519 be considered a separate building site((-)); and

1520 2. If the adjoining property is under the same ownership as such lot, then the lot shall not
1521 be considered a separate building site until the lot is combined with adjoining property under the
1522 same ownership in such a way as to comply with the density and dimensions standards of K.C.C.
1523 chapter 21A.12.

1524 B. Submerged land within the boundaries of any waterfront parcel shall not be used to
1525 compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar required
1526 conditions of land subdivision or development, except, where specifically authorized by ordinance,
1527 such lands may be used in area computations as an incentive to encourage common open space
1528 waterfront areas.

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1529 C. All newly created lots wholly or partially within the shoreline shall be of uniform size
1530 and dimension, whenever possible.

1531 D. Subdivision of more than four lots shall provide an improved and maintained pedestrian
1532 easement to the shoreline that is of sufficient width to ensure usable access for all residents. The
1533 public access to the shoreline shall be in conformance with the standards in section 38 of this
1534 ordinance.

1535 E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction
1536 whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of
1537 the lots should allow for the construction of residential units that do not require shoreline
1538 stabilization.

1539 NEW SECTION. SECTION 54. There is hereby added a new section in the new chapter
1540 established in section 14 of this ordinance to read as follows:

1541 **Historic Properties.** Historic properties include historic buildings, sites, objects,
1542 districts and landscapes, prehistoric and historic archaeological resources, and traditional cultural
1543 places. Development within shoreline environments shall protect historic properties as follows:

1544 A. Known historic properties:

1545 1. Known historic properties are inventoried by the Historic Preservation Program and
1546 are subject to the procedures delineated in K.C.C. 20.62.150, which require the director to inform
1547 the Historic Preservation Officer regarding the affects of development proposals on inventoried
1548 properties. Disturbance of known archaeological sites is also subject to state regulations, including
1549 chapter 27.44 RCW, chapter 27.53 RCW, and chapter 68.80 RCW;

1550 2. If a known archaeological site or traditional cultural place is affected by a development
1551 proposal, the Historic Preservation Officer shall inform and consult with the Washington State

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1552 Department of Archaeology and Historic Preservation and any concerned Native American tribes.
1553 To the extent feasible, the Historic Preservation Officer shall coordinate county and state required
1554 permitting and compliance procedures and requirements to avoid substantial duplication of effort
1555 by permit applicants; and

1556 3. In considering shoreline permits or shoreline exemptions, the department may attach
1557 conditions to provide sufficient time for the Historic Preservation Officer to consult with the
1558 Washington State Department of Archaeology and Historic Preservation and any concerned Native
1559 American tribes, and to ensure that historic properties are properly protected, or for appropriate
1560 agencies to contact property owners regarding purchase or other long-term stewardship and
1561 protection arrangements. Provision for the protection and preservation of historic properties shall
1562 be incorporated in permits and exemptions to the maximum extent practical.

1563 B. Inadvertent Discovery:

1564 1. Consistent with the definitions and requirements contained in chapter 27.44 RCW,
1565 chapter 27.53 RCW, and chapter 68.80 RCW, and with the intent of K.C.C .chapter 20.62,
1566 whenever potentially significant historic properties, or archaeological artifacts, are discovered in
1567 the process of development on shorelines, work on that portion of the development site shall be
1568 stopped immediately and the find reported as soon as possible to the director;

1569 2. The director shall notify the Historic Preservation Officer, and if an archaeological site
1570 or artifacts have been discovered, the Washington State Department of Archaeology and Historic
1571 Preservation, any concerned Native American tribes and other appropriate agencies. The director
1572 shall require that a historic property assessment be conducted immediately by a professional
1573 archaeologist, ethnographer or historic preservation professional, as applicable, in consultation
1574 with the Historic Preservation Officer, to determine the significance of the discovery and the extent

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1575 of damage that may have occurred to the resource. The historic property assessment shall be
1576 distributed to the Historic Preservation Officer, and, if an archaeological site, archaeological
1577 artifacts or a traditional cultural place have been discovered, the Washington State Department of
1578 Archaeology and Historic Preservation, and any concerned Native American tribes for a fifteen-
1579 day review period or, in the case of inadvertent discovery of human remains, a thirty-day review
1580 period to determine the significance of the discovery. If the historic property has been determined
1581 not to be significant by the above listed agencies or governments, or if the above listed agencies or
1582 governments have failed to respond within the applicable review period following receipt of the
1583 historic property assessment, such stopped work may resume; and

1584 3. Upon receipt of a positive determination of a property's significance, or if available
1585 information suggests that a negative determination is erroneous, the director or the Historic
1586 Preservation Officer may require that a historic property management plan be prepared by a
1587 qualified professional archaeologist or other appropriate professional if such action is reasonable
1588 and necessary to implement related program objectives and is consistent with the intent of King
1589 County policies and codes protecting historic properties.

1590 C. Public Access:

1591 1. If a private or publicly owned historic property is identified, public access shall be
1592 encouraged as appropriate for purposes of public education, provided that:

1593 a. the type or level of public access is consistent with the long term protection of both
1594 historic resource values and shoreline ecological functions; and

1595 b. an access management plan is developed in accordance with development site- and
1596 resource-specific conditions in consultation with the Historic Preservation Officer, and, if an
1597 archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the

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1598 Washington State Department of Archaeology and Historic Preservation, any concerned Native
1599 American tribes or other agencies, as appropriate, to address physical protection of the resource,
1600 hours of operation, interpretive or directional signage, lighting, pedestrian access or traffic and
1601 parking, as appropriate; and

1602 2. For archaeological sites and traditional cultural places, the Historic Preservation
1603 Program, the Washington State Department of Archaeology and Historic Preservation, any
1604 concerned Native tribes or other agencies, as appropriate, shall approve access measures prior to
1605 provision of public access to a site.

1606 NEW SECTION. SECTION 55. There is hereby added a new section in the new chapter
1607 established in section 14 of this ordinance to read as follows:

1608 **Parking standards.** Parking facilities except parking facilities associated with single
1609 detached dwelling units shall meet the following standards:

1610 1. Parking areas serving a water related, water enjoyment or a nonwater-oriented use
1611 must be located beneath or upland of the development which the parking area serves, except for
1612 utility facilities;

1613 2. The design of parking facilities must use low-impact designs, such as porous
1614 concrete and vegetated swales; and

1615 3. In addition to the standards in subsection 1. and 2. of this section, parking must be set
1616 back one hundred feet from the ordinary high water mark in the Conservancy environment and
1617 two hundred feet from the ordinary high water mark in the Natural environment.

1618 SECTION 56. K.C.C. 25.16.160, as amended by this ordinance, is hereby recodified as a
1619 new section in the new chapter established in section 14 of this ordinance.

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1620 SECTION 57. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each hereby
1621 amended to read as follows:

1622 **Utilities.** ~~((Utility))~~ New utility facilities and repair and replacement of existing utility
1623 facilities may be permitted ~~((in the urban environment))~~ subject to the general requirements
1624 ~~((section (Section 25.16.030)))~~ of this chapter, provided:

1625 A. ~~((U))~~ New utility and transmission facilities shall, to the maximum extent practical:

- 1626 1. Avoid disturbance of unique and fragile areas;
- 1627 2. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 1628 3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic
1629 recreation or historic areas;
- 1630 4. Not be located within the Natural shoreline unless the utility is low-intensity; and
- 1631 5. Avoid locating new utility and transmission facilities in tidelands.

1632 B. ~~((U))~~ New utility distribution and transmission facilities shall be designed so as to:

- 1633 1. Be located outside the shoreline jurisdiction where feasible;
- 1634 2. Be located within existing rights of way and utility corridors where feasible;
- 1635 ~~((1))~~ 3. Minimize visual impact;
- 1636 ~~((2))~~ 4. Harmonize with or enhance the surroundings;
- 1637 ~~((3))~~ 5. Not create a need for shoreline protection; and
- 1638 ~~((4))~~ 6. Utilize to the ~~((greatest extent possible))~~ maximum extent practical natural
1639 screening.

1640 C. The construction, repair, replacement and maintenance of utility facilities shall be done
1641 in such a way so as to:

- 1642 1. Maximize the preservation of natural beauty and the conservation of resources;

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- 1643 2. Minimize scarring of the landscape;
- 1644 3. Minimize siltation and erosion;
- 1645 4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
- 1646 5. Avoid disruption of critical aquatic and wildlife stages.
- 1647 D. Rehabilitation of areas disturbed by the construction, ~~((and/))~~ repair, replacement or
- 1648 maintenance of utility facilities shall:
- 1649 1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain plant
- 1650 and wildlife habitats; and
- 1651 2. Utilize plantings compatible with the native vegetation.
- 1652 E. Solid waste transfer stations shall not be permitted within ~~((the shorelines of the state))~~
- 1653 any shoreline jurisdiction except the High Intensity.
- 1654 F. Utility production and processing facilities, such as power plants and sewage treatment
- 1655 plants are not allowed within the shoreline jurisdiction.
- 1656 SECTION 58. K.C.C. 25.16.080, as amended by this ordinance, is hereby recodified as a
- 1657 new section in the new chapter established in section 14 of this ordinance.
- 1658 SECTION 59. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each hereby
- 1659 amended to read as follows:
- 1660 **Signs.** Signs may be permitted ~~((in the urban environment))~~ subject to the provisions ~~((of~~
- 1661 ~~the underlying zoning))~~ in K.C.C. chapter 21A.20, provided:
- 1662 A. ~~((No sign which is not constructed parallel to and flush against the side of a building~~
- 1663 ~~shall be permitted which is more than seventy two inches in height as measured from the average~~
- 1664 ~~grade level.~~

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1665 ~~B. Signs painted upon or constructed parallel to and flush against the side of a building~~
1666 ~~shall not extend beyond the wall or above the roof line against which they are constructed.~~

1667 ~~C. Signs shall be stationary, nonblinking and nonrevolving.~~

1668 ~~D. Signs shall have no auxiliary projections or attachments.~~

1669 ~~E. Signs shall not be erected nor maintained upon trees, or drawn or painted upon rocks or~~
1670 ~~other natural features.~~

1671 ~~F. Artificial lighting of signs shall be directed away from adjacent properties and the~~
1672 ~~water.~~

1673 ~~G.)) Signs waterward of the ordinary high water mark shall be permitted only to the extent~~
1674 ~~necessary for the operation of a permitted overwater development ((provided n)). No such sign~~
1675 ~~shall be larger than five square feet.~~

1676 B. In the Rural environment, signs may not exceed fifty square feet.

1677 C. In the Conservancy environment, signs are not allowed except for:

1678 1. Signs of not more than twenty-five square feet within public parks or trails; and

1679 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units.

1680 D. In the Resource and Natural environments, signs are allowed only allowed as follows:

1681 1. Signs of not more than twenty-five square feet within public parks or trails; and

1682 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units.

1683 E. Signs to protect public safety or prevent trespass may be allowed and should be limited
1684 in size and number to the maximum extent practical.

1685 SECTION 60. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a new
1686 section in the new chapter established in section 14 of this ordinance.

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1687 SECTION 61. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each hereby
1688 amended to read as follows:

1689 **Substantial development - permit required - statement of exemption.**

1690 A. No development shall be undertaken by any person ~~((on the shorelines of the state))~~
1691 within the shoreline jurisdiction unless such development is consistent with the ~~((policy))~~
1692 policies of ~~((Section 2 of the Shoreline Management Act of 1971, and, after adoption and~~
1693 ~~approval, the guidelines and regulations of the Washington State Department of Ecology))~~ RCW
1694 90.58.020, chapter 173-26 WAC and the King County shoreline master program.

1695 B. ~~((No))~~ A substantial development permit shall be ~~((undertaken by any person on the~~
1696 ~~shorelines of the state without first obtaining a substantial development permit from the director;~~
1697 ~~provided, that such a permit shall not be required for the development excepted))~~ required for all
1698 proposed uses and modifications unless the proposal is specifically exempt from the definition of
1699 substantial development in RCW 90.58.030 ~~((and for developments))~~ and WAC 173-27-040 or is
1700 exempted by RCW 90.58.140~~((9) and (10))~~.

1701 C. ~~((Any person claiming exception from the permit requirements of this chapter as a~~
1702 ~~result of the exemptions described in subsection B. of this section may make an application to~~
1703 ~~the director for such an exemption in the manner prescribed by the director. Development within~~
1704 ~~the shorelines of the state which does not require a permit shall conform to the master program.~~
1705 ~~Conditions requiring such conformance may be imposed prior to granting exemption from the~~
1706 ~~permit requirement.))~~ A written statement of exemption shall be required for activities that are
1707 exempt from the substantial development permit requirement in subsection B of this section
1708 when:

1709 1. WAC 173-27-050 applies; or

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1710 2. The activity will occur at or below the ordinary high water mark except for an
1711 agricultural drainage ditch located within the shorelands that does not meet the definition of
1712 shorelines.

1713 D. Whether or not a written statement of exemption is required, all permits issued for
1714 development activities within the shoreline jurisdiction shall include a record of review
1715 indicating compliance with the shoreline master program and regulations.

1716 E. Conditions of approval may be attached to the approval of substantial development
1717 permits, statement of exemptions or exempted developments as necessary to assure consistency
1718 of the project with the shoreline master program and regulations.

1719 SECTION 62. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a new
1720 section in the new chapter established in section 14 of this ordinance.

1721 SECTION 63. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each hereby
1722 amended to read as follows:

1723 **Permits - prerequisite to other permits.** In the case of development subject to the
1724 permit requirements of this ~~((title))~~ chapter, King County shall not issue any other permit for
1725 such development until such time as approval has been granted pursuant to this ~~((title))~~ chapter.
1726 Any development subsequently authorized by King County shall be subject to the same terms
1727 and conditions which apply to the development authorized pursuant to this ~~((title))~~ chapter.

1728 SECTION 64. K.C.C. 25.32.060 , as amended by this ordinance, is recodified as a new
1729 section in the new chapter established in section 14 of this ordinance.

1730 SECTION 65. Ordinance 3688 Section 806, and K.C.C. 25.32.060 are each hereby
1731 amended to read as follows:

1732 **Alteration or reconstruction of nonconforming use or development.**

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1733 ~~((A. Applications for substantial development or building permits to modify a~~
1734 ~~nonconforming use or development may be approved only if:~~

1735 ~~1. The modifications will make the use or development less nonconforming; or~~

1736 ~~2. The modifications will not make the use or development more nonconforming.~~

1737 ~~B. A use or development, not conforming to existing regulations, which is destroyed,~~
1738 ~~deteriorated, or damaged more than fifty percent of its fair market value at present or at the time~~
1739 ~~of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only~~
1740 ~~insofar as it is consistent with existing regulations.~~

1741 €.) The review of applications for the ~~((modification))~~ expansion or replacement of a
1742 nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~ in
1743 accordance with K.C.C. 21A.32 (General Provisions-Nonconformance, Temporary Uses, and
1744 Re-Use of Facilities).

1745 SECTION 66. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a new
1746 section in the new chapter established in section 14 of this ordinance.

1747 SECTION 67. Ordinance 3688, Section 810, and K.C.C. 25.32.100 are each hereby
1748 amended to read as follows:

1749 **Appeals.**

1750 A. Appeals from the final decision of the county with regard to shoreline management
1751 shall be governed solely by the provisions of RCW 90.58.180.

1752 B. The effective date of King County's decision shall be the date of filing with the
1753 Department of Ecology as defined in RCW 90.58.140.

1754 C. When a hearing and decision has occurred ~~((pursuant to Section 25.32.080))~~ and the
1755 examiner's recommendation with regard to disposition of a proposed development pursuant to

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1756 Titles 20 and 21A of this code requires King County council action, the final decision of the
1757 county pursuant to this title shall be effective on the date of filing as defined in RCW 90.58.140
1758 for the purposes of appeal as provided in RCW 90.50.140. However, no development may occur
1759 until the King County council has taken final action on the examiner's recommendation required
1760 by Titles 20 ~~((and/or))~~ and 21A of this code.

1761 SECTION 68. K.C.C. 25.08.090, as amended by this ordinance, is recodified as a new
1762 section in K.C.C. chapter 21A.06.

1763 SECTION 69. Ordinance 3688, Section 208, and K.C.C. 25.08.090 are each hereby
1764 amended to read as follows:

1765 **Breakwater.** ~~(("))~~Breakwater~~(("means"))~~; an off-shore structure either floating or not
1766 which may or may not be connected to the shore, such structure being designated to absorb
1767 ~~((and/))~~or reflect back into the water body the energy of the waves.

1768 SECTION 70. K.C.C. 25.08.100, as amended by this ordinance, is recodified as a new
1769 section in K.C.C. chapter 21A.06.

1770 SECTION 71. Ordinance 3688, Section 209, and K.C.C. 25.08.100 are each hereby
1771 amended to read as follows:

1772 **Bulkhead.** ~~(("))~~Bulkhead~~(("means"))~~; a solid or open pile wall of rock, concrete, steel or
1773 timber or other materials or a combination of these materials erected generally parallel to and
1774 near the ordinary high water mark for the purpose of protecting ~~((adjacent wetlands and))~~
1775 uplands from waves or currents.

1776 SECTION 72. K.C.C. 25.08.175, as amended by this ordinance, is hereby recodified as a
1777 new section in K.C.C. chapter 21A.06.

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1778 SECTION 73. Ordinance 5734, Section 1, and K.C.C. 25.08.175 are each hereby amended
1779 to read as follows:

1780 **Dredging.** ~~((("))Dredging(("is))~~; the removal, displacement, ~~((and/))~~ or disposal of
1781 unconsolidated earth material such as sand, silt, gravel, or other ~~((submerged))~~ materials, from
1782 ~~((the bottom of))~~ water bodies, ditches, or natural wetlands, whether during submerged conditions
1783 or dry conditions; maintenance dredging and~~((/or))~~ support activities are included in this definition.

1784 SECTION 74. K.C.C. 25.08.190, as amended by this ordinance, is hereby recodified as a
1785 new section in K.C.C. chapter 21A.06.

1786 SECTION 75. Ordinance 3688, Section 218, and K.C.C. 25.08.190 are each hereby
1787 amended to read as follows:

1788 **Environment, shoreline.** ~~((("))Environment(("or "master program environment" or~~
1789 ~~"shoreline environment" means))~~, shoreline: the categories of shorelines ~~((of the state))~~ and
1790 shorelands established by the King County shoreline ~~((management))~~ master program to
1791 differentiate between areas whose features imply differing objectives regarding their use and future
1792 development.

1793 SECTION 76. K.C.C. 25.08.210, as amended by this ordinance, is hereby recodified as a
1794 new section in K.C.C. chapter 21A.06.

1795 SECTION 77. Ordinance 3688, Section 220, and K.C.C. 25.08.210 are each hereby
1796 amended to read as follows:

1797 **Float.** ~~((("))Float(("means))~~; a structure or device ~~((which))~~ that is not a breakwater and
1798 ~~((which))~~ that is moored, anchored, or otherwise secured in the waters of King County and
1799 ~~((which))~~ is not connected to the shoreline.

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1800 SECTION 78. K.C.C. 25.08.230, as amended by this ordinance, is hereby recodified as a
1801 new section in K.C.C. chapter 21A.06.

1802 SECTION 79. Ordinance 3688, Section 222, and K.C.C. 25.08.230 are each hereby
1803 amended to read as follows:

1804 **Groin.** ~~((“))Groin((“means))~~; a barrier type structure extending from the backshore into
1805 the water across the beach. The purpose of a groin is to interrupt sediment movement along the
1806 shore.

1807 SECTION 80. K.C.C. 25.08.250, as amended by this ordinance, is hereby recodified as a
1808 new section in K.C.C. chapter 21A.06.

1809 SECTION 81. Ordinance 3688, Section 224, and K.C.C. 25.08.250 are each hereby
1810 amended to read as follows:

1811 **Jetty.** ~~((“))Jetty((“means a))~~; an artificial barrier used to change the natural littoral drift to
1812 protect inlet entrances from clogging by excess sediment.

1813 SECTION 82. K.C.C. 25.08.290, as amended by this ordinance, is hereby recodified as a
1814 new section in K.C.C. chapter 21A.06.

1815 SECTION 83. Ordinance 3688, Section 228, and K.C.C. 25.08.290 are each hereby
1816 amended to read as follows:

1817 **Master program, shoreline.** ~~((“))Master program((“means))~~, shoreline: the
1818 comprehensive shoreline use plan for King County consisting of:

1819 A. The ~~((use regulations and procedures contained in this title; and))~~ King County
1820 shoreline management goals and policies that guide environmental designations, shoreline
1821 protection, shoreline use and shoreline modifications;

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1822 B. Shoreline appendices consisting of the Shoreline Restoration Plan, Shoreline Public
1823 Access Plan, Cumulative Impacts Analysis, Program Checklist and Public Involvement, and a
1824 Technical Appendix that includes data and analytic methods used to develop King County's
1825 Shoreline inventory; and

1826 ~~((B))C. The ((goals, objectives and policies of the King County shoreline management~~
1827 ~~master program which are contained in a separate document and adopted by ordinance.))~~
1828 development regulations identified in section 2 of this ordinance.

1829 NEW SECTION. SECTION 84. There is hereby added to K.C.C. chapter 21A.06 a new
1830 section to read as follows:

1831 **Navigability or navigable.** Navigability or navigable: the capability of susceptibility of
1832 a body of water of having been or being used for the transport of useful commerce. The state of
1833 Washington considers all bodies of water meandered by government surveyors as navigable
1834 unless otherwise declared by a court.

1835 NEW SECTION. SECTION 85. There is hereby added to K.C.C. chapter 21A.06 a new
1836 section to read as follows:

1837 **Nearshore.** Nearshore: the area beginning at the crest of coastal bluffs and extending
1838 seaward through the marine photic zone, and to the head of tide in coastal rivers and streams.
1839 Nearshore includes estuaries.

1840 SECTION 86. K.C.C. 25.08.370, as amended by this ordinance, is hereby recodified as a
1841 new section in K.C.C. chapter 21A.06.

1842 SECTION 87. Ordinance 3688, Section 234, and K.C.C. 25.08.370 are each hereby
1843 amended to read as follows:

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1844 **Pier or dock.** ~~((“Pier((“ or ((“dock((“means))~~; a structure built in or over, or floating
1845 upon the water extending from the shore, which may be used as a landing place ~~((for marine~~
1846 ~~transport or))~~ for air or water craft or recreational activities.

1847 SECTION 88. K.C.C. 25.08.020, as amended by this ordinance, is hereby recodified as a
1848 new section in K.C.C. chapter 21A.06.

1849 SECTION 89. Ordinance 3688, Section 201, and K.C.C. 25.08.020 are each hereby
1850 amended to read as follows:

1851 **Public ((A))access.** ~~((A.))~~Public ~~((A))access~~; ~~((“Public access” means actual~~
1852 ~~unobstructed access available to))~~ the ability of the general public ~~((from land to the ordinary~~
1853 ~~high water mark or to the wetland directly abutting the ordinary high water mark))~~ to reach,
1854 touch and enjoy the water's edge from adjacent locations.

1855 ~~((B. Limited Public Access. “Limited public access” means:~~

1856 ~~1. Actual physical access from land to the ordinary high water mark or to the wetland~~
1857 ~~directly abutting the ordinary high water mark, such access being limited to specific groups of~~
1858 ~~people or to certain regularly prescribed times; or~~

1859 ~~2. Visual access available to the general public to the shoreline and adjacent waterbody,~~
1860 ~~such access being specifically provided for in the development of the site.))~~

1861 SECTION 90. K.C.C. 25.08.400, as amended by this ordinance, is hereby recodified as a
1862 new section in K.C.C. chapter 21A.06.

1863 SECTION 91. Ordinance 3688, Section 237, and K.C.C. 25.08.400 are each hereby
1864 amended to read as follows:

1865 **Redesignation.** ~~((“))~~Redesignation~~((“ means))~~; a change in the shoreline environment
1866 designation by the procedures provided in ~~((Chapter 25.32 of this title))~~ K.C.C. chapter 20.18.

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1867 NEW SECTION. SECTION 92. There is hereby added to K.C.C. chapter 21A.06 a new
1868 section to read as follows:

1869 **Shorelands.** Shorelands: areas landward of the ordinary high water mark along shorelines
1870 extending landward two hundred feet, and also including:

1871 A. The one hundred year floodplain.

1872 B. All associated wetlands.

1873 C. All river deltas.

1874 SECTION 93. K.C.C. 25.08.460, as amended by this ordinance, is hereby recodified as a
1875 new section in K.C.C. chapter 21A.06.

1876 SECTION 94. Ordinance 3688, Section 247, and K.C.C. 25.08.460 are each hereby
1877 amended to read as follows:

1878 **Shoreline ((management)) conditional use.** ((~~"~~))Shoreline ((~~management~~)) conditional
1879 use(~~(" or "shoreline conditional use" means~~)): a shoreline use ((~~specifically designated as a~~
1880 ~~shoreline conditional use in the shoreline management master program~~)) that is allowed only if it
1881 meets the criteria established in section 118 of this ordinance and is subject to conditions of
1882 approval.

1883 NEW SECTION. SECTION 95. There is hereby added to K.C.C. chapter 21A.06 a new
1884 section to read as follows:

1885 **Shoreline jurisdiction.** Shoreline jurisdiction: shorelines and shorelands in
1886 unincorporated King County.

1887 SECTION 96. K.C.C. 25.08.480, as amended by this ordinance, is hereby recodified as a
1888 new section in K.C.C. chapter 21A.06.

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1889 SECTION 97. Ordinance 3688, Section 251, and K.C.C. 25.08.480 are each hereby
1890 amended to read as follows:

1891 **Shoreline ~~((protection))~~ stabilization.** ~~((("))Shoreline ((protection " means))~~ stabilization:
1892 a structure or device, including but not limited to breakwaters, bulkheads, jetties, groins and riprap,
1893 which is placed so as to prevent erosion or to alter the normal currents, wave actions or other
1894 natural forces or actions of a waterbody. Shoreline stabilization does not include flood protection
1895 facilities.

1896 SECTION 98. K.C.C. 25.08.470, as amended by this ordinance, is hereby recodified as a
1897 new section in K.C.C. chapter 21A.06.

1898 SECTION 99. Ordinance 3688, Section 248, and K.C.C. 25.08.470 are each hereby
1899 amended to read as follows:

1900 **Shoreline ~~((management))~~ variance.** ~~((("))Shoreline ((management)) variance((" means));~~
1901 an adjustment in the application of the regulations of the shoreline management master program
1902 consistent with WAC 173-27-170.

1903 SECTION 100. K.C.C. 25.08.490, as amended by this ordinance, is hereby recodified as a
1904 new section in K.C.C. chapter 21A.06.

1905 SECTION 101. Ordinance 3688, Section 246, and K.C.C. 25.08.490 are each hereby
1906 amended to read as follows:

1907 **Shorelines.** ~~((("))Shorelines((" means));~~ all ~~((of the water areas within the unincorporated~~
1908 ~~portion of King County, including reservoirs, and their associated wetlands together with the lands~~
1909 ~~underlying them; except:~~

1910 ~~A. Shorelines on segments of streams upstream of a point where the mean annual flow is~~
1911 ~~twenty cubic feet per second or less and the wetlands associated with such upstream segments;~~

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1912 ~~B. Shorelines on lakes less than twenty acres in size and wetlands associated with such~~
1913 ~~lakes))~~ marine shoreline, lakes greater than 20 acres, and rivers and streams with a minimum of
1914 twenty cubic feet per second mean annual flow.

1915 SECTION 102. K.C.C. 25.08.510, as amended by this ordinance, is hereby recodified as a
1916 new section in K.C.C. chapter 21A.06.

1917 SECTION 103. Ordinance 3688, Section 249, and K.C.C. 25.08.510 are each hereby
1918 amended to read as follows:

1919 **Shorelines of statewide significance.** ~~(("))~~Shorelines of statewide significance~~(("means"))~~;
1920 those shorelines described in RCW 90.58.030(2)(e) ~~((which))~~ that are within the unincorporated
1921 portion of King County.

1922 SECTION 104. K.C.C. 25.08.570, as amended by this ordinance, is hereby recodified as a
1923 new section in K.C.C. chapter 21A.06.

1924 SECTION 105. Ordinance 3688, Section 255, and K.C.C. 25.08.570 are each hereby
1925 amended to read as follows:

1926 **Substantial development.** ~~(("))~~Substantial development~~(("means"))~~; any development
1927 ~~((which))~~ that requires a shoreline management substantial development permit, as defined in
1928 RCW 90.58.030(3)(e) as now or hereafter amended.

1929 SECTION 106. K.C.C. 25.08.590, as amended by this ordinance, is hereby recodified as a
1930 new section in K.C.C. chapter 21A.06.

1931 SECTION 107. Ordinance 3688, Section 257, and K.C.C. 25.08.590 are each hereby
1932 amended to read as follows:

1933 **Water dependent use.** ~~(("))~~Water dependent use~~(("or "water dependent development"~~
1934 ~~means"))~~; a ~~((principal))~~ use or portion of a use which ~~((can only))~~ cannot exist ~~((where the~~

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1935 ~~landwater interface provides biological or physical conditions necessary for the use))~~ in a location
1936 that is not adjacent to the water and which is dependent on the water by reason of the intrinsic
1937 nature of its operations.

1938 NEW SECTION. SECTION 108. There is hereby added to K.C.C. chapter 21A.06 a new
1939 section to read as follows:

1940 **Water-enjoyment use.** Water enjoyment use: a recreational use or other use that
1941 facilitates public access to the shoreline as a primary characteristic of the use; or a use that
1942 provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of
1943 people as a general characteristic of the use and which through location, design, and operation
1944 ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order
1945 to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-
1946 oriented space within the project must be devoted to the specific aspects of the use that fosters
1947 shoreline enjoyment.

1948 NEW SECTION. SECTION 109. There is hereby added to K.C.C. chapter 21A.06 a new
1949 section to read as follows:

1950 **Water-oriented use.** Water-oriented use: a use that is water-dependent, water-related, or
1951 water-enjoyment, or a combination of such uses.

1952 SECTION 110. K.C.C. 25.08.600, as amended by this ordinance, is hereby recodified as a
1953 new section in K.C.C. chapter 21A.06.

1954 SECTION 111. Ordinance 3688, Section 258, and K.C.C. 25.08.600 are each hereby
1955 amended to read as follows:

1956 **Water related use.** (~~(")~~)Water related use(~~(" or "water related development" means))~~): a
1957 (~~(principal)~~) use or portion of a use which is not intrinsically dependent on a waterfront location

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1958 ~~((abutting the ordinary high water mark but which))~~ but whose economic viability is dependent
1959 upon a waterfront location because:

1960 A. ~~((Promotes the public's enjoyment of or access to the water))~~ The use has a functional
1961 requirement for a waterfront location such as the arrival or shipment of materials by water or he
1962 need for large quantities of water; or

1963 B. ~~((Gains a cost savings or revenue differentiating advantage, which is not associated~~
1964 ~~with land rents or costs, from being located within the shorelines of the state that could not be~~
1965 ~~obtained at an upland location; such uses include but are not limited to residential development,~~
1966 ~~boat sales or restaurants))~~ The use provides a necessary service supportive of the water-
1967 dependent uses and the proximity of the use to its customers makes its services less expensive or
1968 more convenient, or both.

1969 NEW SECTION. SECTION 112. There is hereby added a new section to K.C.C.
1970 chapter 21A.08 to read as follows:

1971 **Shoreline uses.** The permitted land uses allowed in this chapter are allowed within the
1972 shoreline jurisdiction except as amended by section 33 of this ordinance.

1973 NEW SECTION. SECTION 113. There is hereby added a new section to K.C.C.
1974 chapter 21A.12 to read as follows:

1975 **Shoreline density and dimensions.** The density and dimensions established in this
1976 chapter apply within the shoreline jurisdiction except as amended by section 51 of this
1977 ordinance.

1978 SECTION 114. Ordinance 13130, Section 3, and K.C.C. 21A.32.045 are each hereby
1979 amended to read as follows:

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1980 **Nonconformance - Re-establishment of discontinued nonconforming use, or**
1981 **damaged or destroyed nonconforming structure or site improvement.** A nonconforming use
1982 which has been discontinued or a nonconforming structure or site improvement which has been
1983 damaged or destroyed, may be re-established or reconstructed if:

1984 A. The nonconforming use, structure, or site improvement ((which)) that previously
1985 existed ((is)) shall not be expanded((;)).

1986 B. A new nonconformance ((is)) shall not be created((; and)).

1987 C. The use ((has)) shall not have been discontinued for more than twelve months prior to
1988 its re-establishment, or the nonconforming structure or site improvement ((is)) has been
1989 reconstructed pursuant to a complete permit application submitted to the department within
1990 twelve months of the occurrence of damage or destruction.

1991 D. A nonconforming use, structure or site improvement located within the shoreline
1992 jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at
1993 present or at the time of its destruction may be reconstructed only insofar as it is consistent with
1994 existing regulations.

1995 SECTION 115. K.C.C. 25.32.040, as amended by this ordinance, is recodified as a new
1996 section in K.C.C. chapter 21A.44.

1997 SECTION 116. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040 are
1998 each hereby amended to read as follows:

1999 ~~((Permits--))~~ **Shoreline variance.**

2000 A. ~~((The director is authorized to grant a variance from the performance standards of this~~
2001 ~~master program only under the conditions enumerated WAC 173-14-150 (Review Criteria for~~
2002 ~~Variances--))~~ A shoreline variance shall be granted by the county from the bulk, dimensional or

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2003 performance standards set forth in section 51 of this ordinance only if the applicant demonstrates

2004 that:

2005 1. The review criteria of WAC 173-27-170 have been met;

2006 2. The shoreline variance does not permit a use that is specifically prohibited in the

2007 environmental designation; and

2008 3. Views from nearby roads and public areas are protected.

2009 B. A variance from county zoning code requirements shall not be construed to mean a

2010 variance from shoreline master program use regulations and vice versa.

2011 C. ~~((Shoreline variances may not be used to permit a use that is specifically prohibited in~~

2012 ~~an environment designation.~~

2013 ~~D.))~~ The burden of proving that a proposed variance meets these conditions shall be on

2014 the applicant; absence of such proof shall be grounds for denial of the application.

2015 ~~((E.—The fee which shall accompany an application for a shoreline variance shall be as~~

2016 ~~adopted by ordinance.))~~

2017 SECTION 117. K.C.C. 25.32.050, as amended by this ordinance, is recodified as a new

2018 section in K.C.C. chapter 21A.44.

2019 SECTION 118. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each hereby

2020 amended to read as follows:

2021 ~~((Permits—))~~ **Shoreline conditional use.**

2022 A. ~~((The director is authorized to issue))~~ A shoreline conditional use ((permits)) shall be

2023 granted by the department for conditional uses identified in section 33 and section 42 of this

2024 ordinance as shoreline conditional uses only ((under the following circumstances)) if the

2025 applicant demonstrates that:

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2026 1. ~~((The development must be compatible with uses which are permitted within the~~
2027 ~~master program environment in which the development is proposed.))~~ The review criteria of
2028 WAC 173-27-160 has been met; and

2029 2. ~~((The use will cause no unreasonable adverse effects on the shoreline or surrounding~~
2030 ~~properties and uses.~~

2031 3.)) The use will promote or not interfere with public use of surface waters.

2032 ~~((4. The development of the site will not be contrary to the policies of the master~~
2033 ~~program.))~~

2034 B. A shoreline conditional use may be granted by the department for uses not identified
2035 as conditional uses in section 33 and section 42 of this ordinance only if the applicant
2036 demonstrates that:

2037 1. The criteria in subsection A of this section have been met;

2038 2. The use is not specifically prohibited in the shoreline environment;

2039 3. The use clearly requires specific site location on the shoreline not provided for under
2040 the master program; and

2041 4. Extraordinary circumstances preclude reasonable use of the property in a manner
2042 consistent with the use regulations of the new chapter created in section 14 of this ordinance.

2043 C. The burden of proving that a proposed shoreline conditional use meets the criteria
2044 enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence of such proof
2045 shall be grounds for denial of the application~~((; provided, however, that the director is authorized~~
2046 ~~to determine and impose, on a case-by-case basis, those conditions and standards which may be~~
2047 ~~required to enable any proposed shoreline conditional use to satisfy the criteria established in~~
2048 ~~subsection A. of this section)).~~

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2049 SECTION 119. Ordinance 10870, Section 631, and K.C.C. 21A.50.030 are each hereby
2050 amended to read as follows:

2051 **Violations defined.** No building permit or land use approval in conflict with the
2052 provisions of this title shall be issued. Structures or uses which do not conform to this title,
2053 except legal nonconformances specified in K.C.C. 21A.32 and approved variances, are violations
2054 subject to the enforcement, penalty and abatement provisions of Title 23, including but not
2055 limited to:

2056 A. Establishing a use not permitted in the zone in which it is located;

2057 B. Constructing, expanding or placing a structure in violation of setback, height and
2058 other dimensional standards in this title;

2059 C. Establishing a permitted use without complying with applicable development
2060 standards set forth in other titles, ordinances, rules or other laws, including but not limited to,
2061 road construction, surface water management, the Fire Code, and rules of the department of
2062 public health;

2063 D. Failing to carry out or observe conditions of land use or permit approval, including
2064 contract development standards;

2065 E. Failing to secure required land use or permit approval prior to establishing a permitted
2066 use; ~~((and))~~

2067 F. Failing to maintain site improvements, such as landscaping, parking or drainage
2068 control facilities as required by this code or other King County ordinances; and

2069 G. Undertaking any development within the shoreline jurisdiction without first obtaining
2070 a substantial development permit, statement of exemption, or an exempt activity that is not in

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2071 compliance with the policy of RCW 90.58.020. chapter 173-26 WAC and the King County
2072 shoreline master program.

2073 SECTION 120. Ordinance 11622, Section 1, and K.C.C. 7.02.010 are each hereby
2074 amended to read as follows:

2075 **Relationship to growth management act.** Ordinance 11622 and K.C.C. Titles 7 (Parks
2076 and Recreation)((,)) and 23 (Enforcement)((, and 25 (Shorelines))) are adopted as development
2077 regulations pursuant to RCW 36.70A (Growth Management Act).

2078 SECTION 121. Ordinance 11622, Section 1, and K.C.C. 23.02.020 are each hereby
2079 amended to read as follows:

2080 **Relationship to growth management ((plan))act.** Ordinance 11622 and K.C.C. Titles 7
2081 (Parks and Recreation)((,)) and 23 (Enforcement)((, and 25 (Shorelines)))are adopted as
2082 development regulations pursuant to chapter 36.70A RCW (Growth Management Act).