

**DRAFT KING COUNTY SHORELINE MANAGEMENT REGULATIONS**  
**September 2007**

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.** The King County shoreline master program  
4 consists of the following elements:

5            ((The policies, objectives and)) A. The shoreline management plan containing the goals  
6 and policies of the shorelines ((management)) master program,((~~the~~)) which are adopted as ((an  
7 addendum to)) a chapter in the King County Comprehensive Plan ((for King County)). ((As an  
8 addendum to the comprehensive plan, such policy statement)) The shoreline management plan  
9 constitutes the official policy of King County regarding areas of the county subject to shoreline  
10 management jurisdiction under RCW chapter 90.58.

11            B. The shoreline master plan appendices, which are adopted as appendix XX of the King  
12 County Comprehensive Plan. These appendices include:

- 13            1. The shoreline protection and restoration plan;
- 14            2. The shoreline public access plan;
- 15            3. The shoreline cumulative impacts analysis;
- 16            4. The shoreline master program checklist and public involvement process; and
- 17            5. The shoreline technical appendix containing the data and analytic methods to develop  
18 the King County shoreline inventory and shoreline characterization.

19            C. The shoreline master program development regulations contained this Title and K.C.C.  
20 Title 21A.

21            D. The shoreline master program map folio.

22        SECTION 2. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030 are each  
23 hereby amended to read as follows:

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24           **General procedures.**

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

- 30           1. Emergencies;
- 31           2. An appeal of the plan filed with the Central Puget Sound Growth Management  
32 Hearings Board or with the court;
- 33           3. The initial adoption of a subarea plan, which may amend the urban growth area  
34 boundary only to redesignate land within a joint planning area; or
- 35           4. ~~((The adoption or amendment of a shoreline master program under chapter 90.58~~  
36 ~~RCW; or~~
- 37           5.)) An amendment of the capital facilities element of the Comprehensive Plan that  
38 occurs in conjunction with the adoption of the county budget.

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

- 45           1. Technical amendments to policy, text, ~~((or))~~ maps or shoreline designations;
- 46           2. The annual capital improvement plan;

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- 47           3. The transportation needs report;
- 48           4. School capital facility plans;
- 49           5. Changes to the priority areas map that are required by annexations and incorporations;
- 50           6. Changes required by existing Comprehensive Plan policies;
- 51           7. Changes to the technical appendices and any amendments required thereby;
- 52           8. Comprehensive updates of subarea plans initiated by motion;
- 53           9. Changes required by amendments to the countywide planning policies or state law;
- 54           10. Redesignation proposals under the four to one program as provided for in this
- 55 chapter;
- 56           11. Amendments necessary for the conservation of threatened and endangered species;
- 57 and
- 58           12. Site-specific comprehensive land use map amendments that do not require substantive
- 59 change to comprehensive plan policy language and that do not alter the urban growth area
- 60 boundary, except to correct mapping errors.
- 61           C. Every fourth year beginning in 2000, the county shall complete a comprehensive
- 62 review of the Comprehensive Plan in order to update it as appropriate and to ensure continued
- 63 compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year
- 64 plan based upon official population growth forecasts, benchmarks and other relevant data in order
- 65 to consider substantive changes to policy language and changes to the urban growth area (UGA).
- 66 This comprehensive review shall begin one year in advance of the transmittal and may be referred
- 67 to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the
- 68 four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130.
- 69 If the county determines that the purposes of the Comprehensive Plan are not being achieved as

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70 evidenced by official population growth forecasts, benchmarks, trends and other relevant data,  
71 substantive changes to the Comprehensive Plan may also be considered on even calendar years.  
72 This determination shall be authorized by motion. The motion shall specify the scope of the even-  
73 year amendment, and identify that the resources necessary to accomplish the work are available.  
74 An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The  
75 executive shall determine if additional funds are necessary to complete the even-year amendment,  
76 and may transmit an ordinance requesting the appropriation of supplemental funds.

77         D. The executive shall seek public comment on the comprehensive plan and any proposed  
78 comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before  
79 making a recommendation, in addition to conducting the public review and comment procedures  
80 required by SEPA. The public, including unincorporated area councils, shall be afforded at least  
81 one official opportunity to record public comment before to the transmittal of a recommendation  
82 by the executive to the council. County-sponsored councils and commissions may submit written  
83 position statements that shall be considered by the executive before transmittal and by the council  
84 before adoption, if they are received in a timely manner. The executive's recommendations for  
85 changes to policies, text, and maps shall include the elements listed in comprehensive plan policy  
86 RP-307 and analysis of their financial costs and public benefits, any of which may be included in  
87 environmental review documents. Proposed amendments to the comprehensive plan shall be  
88 accompanied by any development regulations or amendments to development regulations,  
89 including area zoning, necessary to implement the proposed amendments.  
90 (Ord. 14047 § 1, 2001: Ord. 13147 § 19, 1998).

91         SECTION 3. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are each  
92 hereby amended to read as follows:

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93           **Site-specific land use map amendment classification.**

94           A. Site-specific land use map amendments may be considered annually or during the four  
95 year review cycle, depending on the degree of change proposed.

96           B. The following categories of site-specific land use map amendments may be initiated by  
97 either the county or a property owner for consideration in the annual review cycle:

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

100 and

101           2. Four-to-one-proposals.

102           C. The following categories of site-specific land use map amendments may be initiated by  
103 either the county or a property owner for consideration in four-year review cycle:

104           1. amendments that could be considered in the annual review cycle;

105           2. amendments that require substantive change to comprehensive plan policy language;

106 ~~((and))~~

107           3. amendments to the urban growth area boundary; and

108           4. shoreline redesignations.

109 (Ord. 14047 § 2, 2001; Ord. 13147 § 20, 1998).

110           SECTION 4. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each  
111 hereby amended to read as follows:

112           **Site-specific land use map amendments initiation.**

113           A. Site-specific land use map amendments are legislative actions that may only be initiated  
114 by property owner application, by council motion, or by executive proposal. All site-specific land

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115 use map amendments must be evaluated by the hearing examiner before adoption by the council in  
116 accordance with this chapter.

117           1. If initiated by council motion, the motion shall refer the proposed site-specific land use  
118 amendment to the department of development and environmental services for preparation of a  
119 recommendation to the hearing examiner. A motion for shoreline redesignations shall meet the  
120 requirements of K.C.C. 25.32.130 as recodified by this ordinance. The motion shall also identify  
121 the resources and the work program required to provide the same level of review accorded to  
122 applicant-generated amendments. An analysis of the motion's fiscal impact shall be provided to  
123 the council before adoption. If the executive determines that additional funds are necessary to  
124 complete the work program, the executive may transmit an ordinance requesting the appropriation  
125 of supplemental funds.

126           2. If initiated by executive proposal, the proposal shall refer the proposed site-specific  
127 land use amendment to the department of development and environmental services for preparation  
128 of a recommendation to the hearing examiner.

129           3. If initiated by property owner application, the property owner shall submit a docketed  
130 request for a site-specific land use amendment. Upon receipt of a docketed request for a site-  
131 specific land use amendment, the request shall be referred to the department of development and  
132 environmental services for preparation of a recommendation to the hearing examiner.

133           B. All proposed site-specific land use map amendments, whether initiated by property  
134 owner application, by council motion, or by executive proposal shall include the following:

- 135           1. Name and address of the owner(s) of record;  
136           2. Description of the proposed amendment;

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137           3. Property description, including parcel number, property street address and nearest  
138 cross street;

139           4. County assessor's map outlining the subject property; and

140           5. Related or previous permit activity.

141           C. Upon initiation of a site specific land use map amendment, an initial review conference  
142 will be scheduled by the department of development and environmental services. The owner or  
143 owners of record of the property shall be notified of and invited to attend the initial review  
144 conference. At the initial review conference, the department will review the proposed  
145 amendment's consistency with applicable county policies or regulatory enactments including  
146 specific reference to comprehensive plan policies, countywide planning policies and state Growth  
147 Management Act requirements. The proposed amendment will be classified pursuant to K.C.C.  
148 20.18.040 and this information either will be provided at the initial review conference or in writing  
149 to the owner or owners of record within thirty days.

150           D. If a proposed site-specific land use map amendment is initiated by property owner  
151 application, the property owner shall, following the initial review conference, submit the  
152 completed application including an application fee and an environmental checklist to the  
153 department of development and environmental services to proceed with review of the proposed  
154 amendment.

155           E. If a proposed site-specific land use map amendment is initiated by council motion,  
156 following the initial review conference, the council shall submit an environmental checklist to the  
157 department of development and environmental services to proceed with review of the proposed  
158 amendment.

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159           F. If a proposed site-specific land use map amendment is initiated by executive proposal,  
160 following the initial review conference, the executive shall submit an environmental checklist to  
161 the department of development and environmental services to proceed with review of the proposed  
162 amendment.

163           G. Following the submittal of the information required by subsections D, E or F, the  
164 department of development and environmental services shall submit a report including an  
165 executive recommendation on the proposed amendment to the hearing examiner within one  
166 hundred twenty days. The department of development and environmental services shall provide  
167 notice of a public hearing and notice of threshold determination pursuant to K.C.C. 20.20.060 F, G  
168 and H. The hearing will be conducted by the hearing examiner pursuant to K.C.C. 20.24.400.  
169 Following the public hearing, the hearing examiner shall prepare a report and recommendation on  
170 the proposed amendment pursuant to K.C.C. 20.24.400. A compilation of all completed reports  
171 will be considered by the council pursuant to K.C.C. 20.18.070.

172           H. A property-owner-initiated for a site-specific land use map amendment may be  
173 accompanied by an application for a zone reclassification to implement the proposed amendment,  
174 in which case administrative review of the two applications shall be consolidated to the extent  
175 practical consistent with this ordinance and K.C.C. chapter 20.20. The council's consideration of a  
176 site-specific land use map amendment is a legislative decision which will be determined before and  
177 separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a  
178 zone reclassification is not proposed in conjunction with an application for a site-specific land use  
179 map amendment and the amendment is adopted, the property shall be given potential zoning. A  
180 zone reclassification pursuant to K.C.C. 20.20.020 will be required in order to implement the  
181 potential zoning.

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182 I. Site-specific land use map amendments for which a completed recommendation by the  
183 hearing examiner has been submitted to the council by January 15 will be considered concurrently  
184 with the annual amendment to the comprehensive plan. Site specific land use map amendments for  
185 which a recommendation has not been issued by the hearing examiner by January 15 will be  
186 included in the next appropriate review cycle following issuance of the examiner's  
187 recommendation.

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

193 1. A waiver by the executive shall be considered after the proponent has submitted a  
194 docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision  
195 within forty-five days of receiving a docket request and shall mail a copy of this decision to the  
196 proponent.

197 2. A waiver by the council shall be considered by motion.  
198 (Ord. 14561 § 27, 2002: Ord. 14047 § 3, 2001: Ord. 13147 § 21, 1998).

199 SECTION 5. K.C.C. 25.32.130, as amended by this ordinance, is recodified as a new  
200 section in K.C.C. chapter 20.18.

201 SECTION 6. Ordinance 3688, Section 813, and K.C.C. 25.32.130 are each hereby  
202 amended to read as follows:

203 **Shoreline environment redesignation.**

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

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

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

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

217 (Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978).

218           SECTION 7. K.C.C. 25.32.140, as amended by this ordinance, is recodified as a new  
219 section in K.C.C. chapter 20.18.

220           SECTION 8. Ordinance 13687, Section 3, and K.C.C. 25.32.140 are each hereby  
221 amended to read as follows:

222           **Shoreline r((R))edesignation ((applications)) initiated by an applicant.**

223           A. A shoreline redesignation initiated by an applicant((, as described in K.C.C.  
224 25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for shorelines  
225 redesignations and)) must include the following information in addition to the requirements in  
226 K.C.C. ((chapter 20.20)) 20.18.050:

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- 227 1. Applicant information, including signature, telephone number and address;
- 228 2. The applicant's interest in the property, such as owner, buyer or consultant;
- 229 3. Property owner concurrence, including signature, telephone number and address;
- 230 4. ~~((A property description, including parcel number, property street address and~~
- 231 ~~nearest cross street;~~
- 232 ~~5. A county assessor's map outlining the subject property;~~
- 233 ~~6. Related or previous permit activity;~~
- 234 ~~7. A description of the proposed shorelines redesignation;~~
- 235 8.)) A mitigation plan providing for significant enhancement of the first one hundred
- 236 feet adjacent to the shoreline and improved habitat for species declared as endangered or
- 237 threatened under the Endangered Species Act, to the extent that the impacts of development can
- 238 be determined at the time of the proposed shoreline redesignation~~((:)); and~~
- 239 ~~((9:))~~5. A discussion of how the proposed shorelines redesignation meets the criteria in
- 240 K.C.C. 25.32.180 as recodified by this ordinance.
- 241 B. The examiner shall make a recommendation to the council based on the criteria for
- 242 review in K.C.C. 25.32.180 as recodified by this ordinance.
- 243 (Ord. 13687 § 3, 1999).

244 SECTION 9. K.C.C. 25.32.150, as amended by this ordinance, is recodified as a new

245 section in K.C.C. chapter 20.18.

246 SECTION 10. Ordinance 13687, Section 4, and K.C.C. 25.32.150 are each hereby

247 amended to read as follows:

248 **Shoreline r((R))edesignations initiated by motion.**

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249           A. A council motion initiating a shorelines redesignation, as described in K.C.C.  
250 ~~((25.32.130B))~~ 20.18.050 must be accompanied by the following information:

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

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

255           3. A description of the proposed shorelines redesignation.

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

263           C.)) A motion initiating a site-specific redesignation must identify the resources and  
264 the work program required to provide the same level of review accorded to an applicant-  
265 generated shorelines redesignation. Before adoption of the motion, the executive shall have the  
266 opportunity to provide an analysis of the motion's fiscal impact. If the executive determines that  
267 additional funds are necessary to complete the work program, the executive may transmit an  
268 ordinance requesting the appropriation of supplemental funds. The council may consider the  
269 supplemental appropriation ordinance concurrently with the proposed motion referring the  
270 shorelines redesignation proposal to the examiner.

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271 D. A site-specific redesignation initiated by motion shall follow the procedures in K.C.C.  
272 chapters 20.20 and 20.24 for shorelines redesignations with regard to the information to be  
273 provided and the notice and hearing processes, and shall meet the submittal requirements of  
274 K.C.C. 25.32.140 as recodified by this ordinance. The examiner shall make a recommendation  
275 to the council based on the criteria for review in K.C.C. 25.32.180 as recodified by this  
276 ordinance.

277 (Ord. 13687 § 4, 1999)

278 SECTION 11. K.C.C 25.32.180, as amended by this ordinance, is recodified as a new  
279 section in K.C.C. chapter 20.24.

280 SECTION 12. Ordinance 13687, Section 7, and K.C.C. 25.32.180 are each hereby  
281 amended to read as follows:

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

287 A. The proposed change implements and supports the goals of the comprehensive plan,  
288 the goals, policies and objectives of the state Shorelines Management Act and the county's  
289 shorelines master program and the designation criteria of the shoreline environment designation  
290 requested;

291 B. The impacts of development allowed by the proposed change will not permanently  
292 impair any habitat critical to endangered or threatened species.

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293 C. The impacts of development allowed by the proposed change are adequately  
294 addressed in a mitigation plan providing significant enhancement of the first one hundred feet  
295 adjacent to the stream and improved habitat for species declared as endangered or threatened  
296 under the Endangered Species Act, to the extent those impacts may be determinable at the time  
297 of the shorelines redesignation. A full mitigation plan shall accompany each application, as  
298 provided in K.C.C. 25.32.140 as recodified by this ordinance and K.C.C. 25.32.150 as recodified  
299 by this ordinance; and

300 D. If greater intensity of development would be allowed as a result of the shorelines  
301 redesignation, the proposal shall utilize clustering or a multi-story design to pursue minimum  
302 densities while minimizing lot coverage adjacent to the shorelines setback area. (Ord. 13687 § 7,  
303 1999).

304 SECTION 13. There is hereby established a new chapter in K.C.C. Title 21A. This new  
305 chapter shall contain K.C.C. 25.04.010, as recodified in section 12 and amended in section 13,  
306 section 14, K.C.C. 25.04.030, as recodified in section 15 and amended in section 16, K.C.C.  
307 25.08.010, as recodified in section 17 and amended in section 18, K.C.C. 25.04.040, as  
308 recodified in section 19 and amended in section 20, K.C.C. 25.04.050 as recodified in section 21  
309 and as amended in section 22, K.C.C. 25.12.030, as recodified in section 23 and as amended in  
310 section 24, K.C.C. 25.12.010, as recodified in section 25 and as amended in section 26, K.C.C.  
311 25.12.020, as recodified in section 27 and as amended in section 28, K.C.C. 25.12.050, as  
312 recodified in section 29 and as amended in section 30, sections 31 through 34, K.C.C. 25.16.200,  
313 as recodified in section 35 and as amended in section 36, K.C.C. 25.16.120, as recodified in  
314 section 37 and as amended in section 38, K.C.C. 25.20.060, as recodified in section 39 and as  
315 amended in section 40, sections 41 through 43, K.C.C. 25.16.180, as recodified in section 44 and

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316 as amended in section 45, K.C.C. 25.16.190, as recodified in section 46 and as amended in  
317 section 47, sections 48 through 50, K.C.C. 25.16.150, as recodified in section 51 and as amended  
318 in section 52, sections 53 and 54, K.C.C. 25.16.160, as recodified in section 55 and as amended  
319 in section 56, K.C.C. 25.16.080, as recodified in section 57 and as amended in section 58, K.C.C.  
320 25.32.010, as recodified in section 59 and as amended in section 60, K.C.C. 25.32.020, as  
321 recodified in section 61 and as amended in section 62, K.C.C. 25.32.060, as recodified in section  
322 63 and as amended in section 64, K.C.C. 25.32.100, as recodified in section 65 and as amended  
323 in section 66, and K.C.C. 25.32.150, as recodified in section 67 and as amended in section 68.

324 NEW SECTION. SECTION 14. There is hereby added a new section in the new chapter  
325 established in section 13 of this ordinance to read as follows:

326 **King County shoreline master program.** The King County shoreline master program  
327 consists of the following elements:

- 328 A. The King County shoreline master plan contained in chapter five of the King County  
329 Comprehensive Plan containing the shoreline goals and policies;
- 330 B. The shoreline regulations contained in this chapter and K.C.C. Title 20;
- 331 C. The critical area regulations contained in K.C.C. chapter 21A.24;
- 332 D. A map folio adopted as appendix X of the King County Comprehensive Plan; and
- 333 E. The following technical appendices adopted as appendix X of the King County  
334 Comprehensive Plan:

- 335 1. Appendix A: Shoreline Restoration Plan, which summarizes the methods and results  
336 of King County’s shoreline analysis with respect to shoreline restoration planning;

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337           2. Appendix B: Shoreline Public Access Plan, which includes an inventory of existing  
338 formal and informal shoreline public access opportunities and King County’s priorities for public  
339 access;

340           3. Appendix C: Cumulative Impacts Analysis, which provides a mechanism for  
341 examining the success of meeting the requirement for no net loss of ecological functions;

342           4. Appendix D: Shoreline Master program Checklist and Public Involvement Process,  
343 which show how King County meets the procedural requirements for updating the Shoreline  
344 Master Program;

345           5. Appendix E: Shoreline Technical Appendix, which includes data and analytic methods  
346 used to develop King County’s shoreline inventory and shoreline characterization.

347           NEW SECTION. SECTION 15. There is hereby added a new section in the new chapter  
348 established in section 13 of this ordinance to read as follows:

349           **King County shoreline master program.** The King County shoreline master program  
350 consists of the following elements:

351           A. The King County shoreline master plan contained in chapter five of the King County  
352 Comprehensive Plan containing the shoreline goals and policies;

353           B. The shoreline regulations contained in this chapter and K.C.C. Title 20;

354           C. The critical area regulations contained in K.C.C. chapter 21A.24;

355           D. A map folio adopted as appendix X of the King County Comprehensive Plan; and

356           E. The following technical appendices adopted as appendix X of the King County  
357 Comprehensive Plan:

358           1. Appendix A: Shoreline Restoration Plan, which summarizes the methods and results  
359 of King County’s shoreline analysis with respect to shoreline restoration planning;

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360           2. Appendix B: Shoreline Public Access Plan, which includes an inventory of existing  
361 formal and informal shoreline public access opportunities and King County’s priorities for public  
362 access;

363           3. Appendix C: Cumulative Impacts Analysis, which provides a mechanism for  
364 examining the success of meeting the requirement for no net loss of ecological functions;

365           4. Appendix D: Shoreline Master program Checklist and Public Involvement Process,  
366 which show how King County meets the procedural requirements for updating the Shoreline  
367 Master Program;

368           5. Appendix E: Shoreline Technical Appendix, which includes data and analytic methods  
369 used to develop King County’s shoreline inventory and shoreline characterization.

370           SECTION 16. K.C.C. 25.08.010, as amended by this ordinance, is hereby recodified as a  
371 new section in the new chapter established in section 13 of this ordinance.

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

374           **Applicability of RCW and WAC definitions.** Unless otherwise defined in K.C.C.  
375 chapter 21A.06 or this chapter, the definitions contained in ~~((title 21A (the zoning code)))~~ RCW  
376 ~~((Chapter))~~ chapter 90.58 and chapter WAC 173-((14))26 shall apply.

377           SECTION 18. K.C.C. 25.04.040, as amended by this ordinance, is hereby recodified as a  
378 new section in the new chapter established in section 13 of this ordinance.

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

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

384           SECTION 20. K.C.C. 25.08.160, as amended by this ordinance, is hereby recodified as a  
385 new section in the new chapter established in section 13 of this ordinance.

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

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

390           SECTION 22. K.C.C. 25.04.050, as amended by this ordinance, is hereby recodified as a  
391 new section in the new chapter established in section 13 of this ordinance.

392           SECTION 23. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050 are each  
393 hereby amended to read as follows:

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

397           ~~B.))~~ King County shall ~~((issue no permit prior to approval pursuant to this title and shall~~  
398 ~~take no action contrary to))~~ assure the goals, policies, ~~((objectives))~~ and regulations of the King  
399 County shoreline ~~((management))~~ master program have been met prior to issuing any of the  
400 following permits or approvals on land within the shoreline jurisdiction ~~((when property under the~~  
401 ~~jurisdiction of the Shoreline Management Act is involved in a request for a decision in any of the~~  
402 ~~following programs))~~:

403           1. Building permit;

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- 404           2. Right-of-way (~~(construction)~~) use permit;
- 405           3. Short subdivision approval;
- 406           4. Clearing and (~~(G)~~)grading permit;
- 407           5. (~~(Site plan approval)~~) Boundary line adjustment;
- 408           6. (~~(Access permit)~~) Binding site plan;
- 409           7. (~~(Trail permit)~~) Removal of a special district overlay;
- 410           8. (~~(State flood control zone permit)~~) Critical area alteration exception;
- 411           9. Zoning variance;
- 412           10. Conditional use permit;
- 413           13. Comprehensive plan amendment or addition;
- 414           12. Zone reclassification;
- 415           13. Special use permit;
- 416           14. Urban planned development approval;
- 417           15. Subdivision approval.
- 418           ~~((16. Mobile home park permit;~~
- 419           ~~17. Mobile home permit; and~~
- 420           ~~18. Recreational vehicle park permit;~~
- 421           ~~19. Commercial site development permit.))~~

422           SECTION 24. K.C.C. 25.12.030, as amended by this ordinance, is hereby recodified as a  
423 new section in the new chapter established in section 11 of this ordinance.

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

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

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

430            1. All marine shorelines;

431            2. Lakes greater than 20 acres; and

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

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

436            1. ~~((a))~~ Associated wetlands;

437            2. River deltas; and

438            3. Zero-rise floodways ~~((, provided, in those cases where a floodplain or other severe~~  
439 ~~biophysical limitation to development does not cover the entire associated wetland, one~~  
440 ~~environment designation may be placed on the floodplain portion of the wetland or the portion of~~  
441 ~~the wetland with severe biophysical limitations and another on the remaining portion of the~~  
442 ~~wetland;~~

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

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448            C. The King County shoreline jurisdiction is shown on the map adopted as appendix XX  
449 of the King County Comprehensive Plan.

450            SECTION 26. K.C.C. 25.12.010, as amended by this ordinance, is hereby recodified as a  
451 new section in the new chapter established in section 13 of this ordinance.

452            SECTION 27. Ordinance 3688, Section 301, and K.C.C. 25.12.010 are each hereby  
453 amended to read as follows:

454            **Purpose of the shoreline environment designations.** The purpose of ~~((these))~~ the  
455 shoreline environment designations is to differentiate between areas ~~((whose geographica,~~  
456 ~~hydrological, topographical or other features))~~ where existing land use patterns, biological and  
457 physical character, and goals and aspirations of King County imply differing objectives  
458 regarding the use and future development ~~((of the shorelines of the state))~~ within the shoreline  
459 jurisdiction.

460            Each shoreline environment designation represents a particular emphasis in the type of  
461 uses and the extent of development ~~((which))~~ that should occur within it. The shoreline  
462 environment~~((al))~~ designation system is designed to encourage uses in each shoreline  
463 environment ~~((which))~~ that will enhance or are compatible with the character of the environment  
464 while at the same time ~~((requiring))~~ require reasonable standards and restrictions on development  
465 so that the character of the environment is not adversely impacted.

466            SECTION 28. K.C.C. 25.12.020, as amended by this ordinance, is hereby recodified as a  
467 new section in the new chapter established in section 13 of this ordinance.

468            SECTION 29. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each hereby  
469 amended to read as follows:

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470           ~~((Names of))~~ **Shoreline environment designations.** A. In order to accomplish the  
471 ~~((purpose of this title))~~ goals, policies and regulations of the King County shoreline master  
472 program, the following shoreline environment~~((at))~~ designations have been established ~~((to be~~  
473 ~~known as follows))~~:

474           ~~((A))~~ 1. ((Natural)) High intensity shoreline ~~((environment))~~;

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

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

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

478           5. Resource shoreline;

479           6. Forestry shoreline;

480           7. Natural shoreline; and

481           8. Aquatic shoreline.

482           9. The map adopted as appendix XX of the King County Comprehensive Plan shall  
483 constitute the office King County shoreline environment designations.

484           SECTION 30. K.C.C. 25.12.050, as amended by this ordinance, is hereby recodified as a  
485 new section in the new chapter established in section 13 of this ordinance.

486           SECTION 31. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each hereby  
487 amended to read as follows:

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

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

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493            €:)) Where different environment((#)) designations have been given to a tributary and  
494 the main stream at the point of confluence, the environment((#)) designation given to the main  
495 stream shall extend for a distance of two hundred feet up the tributary.

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

499            NEW SECTION. SECTION 32. There is hereby added a new section in the new chapter  
500 established in section 13 of this ordinance to read as follows:

501            **Shoreline use and shoreline modification.**

502            A. Shoreline use is an activity that is allowed within a specific shoreline environment. A  
503 shoreline use is allowed on a site only if the underlying zoning allows that use on that site. Some  
504 shoreline uses that may significantly impair or alter the public's use of the water or that may have  
505 a significant ecological impact on the shoreline or shoreland may be allowed after review under  
506 the criteria specified in section X of this ordinance. Shoreline uses are identified in section X of  
507 this ordinance.

508            B. Shoreline modification is construction of a physical element to change the natural or  
509 existing shoreline conditions, such as a bulkhead, groin, berm, jetty, breakwater, dredging,  
510 filling, vegetation removal or alteration, or application of chemicals. Shoreline modifications are  
511 identified in section X of this ordinance.

512            NEW SECTION. SECTION 33. There is hereby added a new section in the new chapter  
513 established in section 13 of this ordinance to read as follows:

514            **Protection of ecological functions.** All shoreline uses and shoreline modifications must  
515 assure protection of ecological functions. The regulations for the protection of critical areas in

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516 K.C.C. chapter 21A.24 constitute protection of ecological functions. Restoration of ecological  
517 functions should be required as part of development in the rural, conservancy and natural  
518 shoreline environments and within critical saltwater habitat.

519 NEW SECTION. SECTION 34. There is hereby added a new section in the new chapter  
520 established in section 13 of this ordinance to read as follows:

521 **Interpretation of shoreline use table.** The shoreline use table in section X of this  
522 ordinance determines whether a specific use is allowed within each of the shoreline  
523 environments. The shoreline environment is located on the vertical column and the specific use  
524 is located on the horizontal row of the table. The table should be interpreted as follows:

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

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

530 C. If the letter "C" appears in the box at the intersection of the column and the row, the  
531 use may be allowed within the shoreline environment subject to the shoreline conditional use  
532 review procedures specified in section X of this ordinance, and only if the underlying zoning  
533 allows the use.

534 D. If a number appears in the box at the intersection of the column and the row, the use  
535 may be allowed subject to the appropriate review process indicated above, the specific  
536 development conditions indicated with the corresponding number immediately following the  
537 table, and only if the underlying zoning allows the use. If more than one number appears at the  
538 intersection of the column and row, both numbers apply.

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

544 NEW SECTION. SECTION 35. There is hereby added a new section in the new chapter  
 545 established in section 13 of this ordinance to read as follows:

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

553 B. Shoreline uses.

<b>KEY</b> 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
<b>Residential Uses</b> 21A.08.030								
Dwelling Units	P1, 2	P 2	P2	P 2	P	P	C3	

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<b>KEY</b> 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
Group Residences	P1, 2	P2	P2	P2	P	P		
Accessory Uses	P4	P4	P4	P4	P4	P4	C4	P4
Temporary Lodging	P1, 2							
<b>Recreational/Cultural Uses</b> 21A.08.040								
Park/Recreation, except marinas	P5, 7	P5, 7	P5, 7	P5, 7	P5, 7	P5, 7	P5, 7 C8	P5, 7
Marinas	C6	C6	C6					C6
Amusement/Entertainment	P9	P9	P9	P9				
Cultural	P9	P9	P9	P9				
<b>General Service Uses</b> 21A.08.050								
Personal Services	P9	P9	P9	P9	P9	P9		
Health Services	P9	P9	P9	P9				
Education Services	P9	P9	P9	P9				
<b>Government/Business Services Uses</b> 21A.08.060								
Government Services	P2, 10	P2, 10	P2, 10	P2, 10	P2, 10	P2, 10	P2, 10	P11
Business Services	P9	P9	P9	P9	P9	P9		
Accessory Uses	P	P	P	P	P	P		
<b>Retail Uses</b> 21A.08.070								
All Retail Uses	P9	P9	P9	P9	P9	P9		
<b>Manufacturing Uses</b> 21A.08.080								
All Manufacturing Uses	P12							
<b>Resource Land Uses</b> 21A.08.090								

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<b>KEY</b> 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		P	P	P	P	P		
Forestry		P13	P13	P13	P13	P13	P13	
Fish & Wildlife Management	P	P	P	P	P	P	P	P14
Mineral			P15	P15	P15	P15		P15
Accessory Uses			P	P	P	P		P
<b>Regional Land Uses</b> 21A.08.100								
All Regional Land Uses	C16	C16	C16	C16	C16	C16	C16	C16

554

**B. Development conditions:**

555

1. Residential uses in the high intensity environment are allowed only as part of a

556

water-oriented mixed use development.

557

2. Public access or recreational opportunities, subject to the standards in section X of this ordinance, are

558

required for mixed use developments, attached dwelling units, group residences, temporary lodging and government

559

services, and encouraged for other uses, unless the public access would create a public safety risk or is incompatible

560

with the use.

561

3. Only single detached dwelling units.

562

4. Residential accessory uses must meet the following standards:

563

a. docks, piers, moorage and floats must meet the standards in section X of this ordinance;

564

b. accessory structures shall be limited to a one-hundred fifty square foot footprint, except for

565

agricultural structures and swimming pools; and

566

c. accessory structures shall be sited to preserve visual access to the shoreline to the extent practicable.

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567           5. Publicly-owned park/recreation land uses that are managed for active recreation should provide public  
568 access to or recreational use of the shoreline and must meet the standards in section X of this ordinance(access and  
569 rec) and Section X of this ordinance (docks, piers, moorage and floats).

570           6. Marinas containing docks, piers, moorage and floats must meet the standards in section X of this  
571 ordinance.

572           7. Only water-oriented uses, except for public parks and trails. Retail uses within shoreline environments  
573 may be allowed within a public park consistent with K.C.C. 21A.08.070. In the conservancy environment, only the  
574 following uses are allowed:

575           a. park;

576           b. large active recreation and multiuse park;

577           c. trails; and

578           d. campgrounds;

579           8. A shoreline conditional use is required for a destination resort.

580           9. Only water-oriented uses.

581           10. Only water-oriented uses, except for public roads and utility facilities.

582           11. The following standards apply to government services uses within the aquatic environment:

583           a. Stormwater and sewage outfalls within the Maury Island Aquatic Reserve are not allowed.

584 Stormwater and sewage outfall may be allowed along the area from Piner Point to Point Robinson on Maury Island  
585 and within other aquatic environments if upland treatment and infiltration to groundwater, streams or wetlands is not  
586 feasible and there is no impact on eelgrass, herring holding area, salmon migratory habitat and the nearshore zone.

587           b. Water intakes shall not be located near fish spawning, migratory, or rearing areas. Intakes should  
588 generally be placed deeper than thirty feet below the ordinary high water mark and must adhere to Washington  
589 Department Fish and Wildlife fish screening criteria.

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

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594 Harbormaster Harbor, discharge may be considered if there is no impact on eelgrass, herring holding area, salmon  
595 migratory habitat and the nearshore zone.

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

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

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

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

601 (4) use the best available technology.

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

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

605 (2) use the best available technology for operation and maintenance.

606 f. Breakwaters and not allowed within the Maury Island Aquatic Reserve or within the aquatic  
607 environment adjacent to the conservancy and natural shorelines.

608 12. Manufacturing uses in the shoreline environment are subject to the following conditions:

609 a. preference shall be given first to water-dependent manufacturing uses and second to water-related  
610 manufacturing uses. Nonwater-oriented uses are allowed only as part of a mixed-use development that includes a  
611 water-dependent use, or on sites physically separated from the water by another parcel or public right-of-way;

612 b. public access is required unless it would result in a public safety risk or is incompatible with the use;

613 c. boat repair facilities are not permitted within the Maury Island Aquatic Reserve, however the  
614 following is allowed:

615 (1) engine repair or maintenance conducted within the engine space without vessel haul-out,

616 (2) topside cleaning, detailing and bright work,

617 (3) electronics servicing and maintenance,

618 (4) marine sanitation device servicing and maintenance that does not require haul-out,

619 (5) vessel rigging, and

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

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622 13. Forestry must meet the standards in section X of this ordinance.

623 14. Aquaculture must meet the standards in section X of this ordinance.

624 15. Mineral resources must meet the standards in K.C.C. chapter 21A.22. A shoreline conditional use  
625 permit is required for mining within a severe channel migration hazard area.

626 16. Regional land uses are subject to a shoreline conditional use permit. Surface drilling for oil or gas is  
627 prohibited in Puget Sound waterward from the ordinary high water mark and landward one thousand feet from the  
628 ordinary high water mark on Puget Sound.

629 SECTION 36. K.C.C. 25.16.200, as amended by this ordinance, is hereby  
630 recodified as a new section in the new chapter established in section 13 of this ordinance.

631 SECTION 37. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each hereby  
632 amended to read as follows:

633 **Public access and ((R))recreation.** ~~(((R))Public access and recreational development~~  
634 ~~((may be permitted in the urban environment subject to the general requirements (Section~~  
635 ~~25.16.030) of this chapter, and provided)) must meet the following standards:~~

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

637 B. Swimming areas shall be separated from boat launch areas and marinas.

638 C. The development of underwater sites for sport diving shall not:

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

640 2. Constitute a navigational hazard;

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

643 D. The construction of swimming facilities, docks, piers, moorages, floats and launching  
644 facilities below the ordinary high water mark shall be governed by the regulations relating to

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645 docks, piers, ~~(and)~~ moorage, floats or launching facility construction in ~~((the commercial~~  
646 ~~development))~~ section X ~~((Section 25.16.070))~~ of this ~~((chapter))~~ ordinance.

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

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

650 2. The facility ~~((will not be located on a Class I beach))~~ provides adequate parking in  
651 accordance with K.C.C. chapter 21A.18.

652 F. ~~((Upland facilities constructed in conjunction with a recreational development shall be~~  
653 ~~setback and/or sited to avoid contamination of the shorelines of the state.))~~ Campgrounds in the  
654 natural environment shall meet the following conditions:

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

657 2. Place restrooms and parking outside the shoreline jurisdiction; and

658 3. Select sites that do not require the removal of vegetation;

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

662 ~~((H))~~G. Marina facilities shall be prohibited ~~((on Class I beaches or))~~ where their  
663 development would interrupt littoral currents ~~((and starve Class I beaches))~~. Marinas shall not be  
664 located within the resource, forestry or natural shoreline environments.

665 ~~((I))~~H. Public pedestrian and bicycle pathways shall ~~((be permitted adjacent to water~~  
666 ~~bodies))~~ be located in accordance with the shoreline public access plan.

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

- 670 1. View points;
- 671 2. Places to congregate in proportion to the scale of the development;
- 672 3. Benches and picnic tables;
- 673 4. Pathways; and
- 674 5. Connections to other public and private public access and recreation facilities.

675 J. When public access is required by this chapter, public access shall:

- 676 1. Connect to other public and private public access and recreation facilities on adjacent  
677 parcels;
- 678 2. Be sited to assure public safety is considered;
- 679 3. Be open to the general public; and
- 680 4. Assure there is no net loss of ecological functions.

681 ((J)) K. Public contact with unique and fragile areas shall be permitted where it is possible  
682 without destroying the natural character of the area.

683 ((K)) L. Water viewing, nature study, recording and viewing shall be accommodated by  
684 space, platforms, benches or shelter, consistent with public safety and security.

685 M. Private access from single detached residences to the shoreline shall:

- 686 a. not exceed three feet in width;
- 687 b. be constructed of pervious materials, such as wood chips;
- 688 c. avoid removal of significant trees and other woody vegetation to the maximum extent  
689 practical; and

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690 d. avoid a location that is parallel to the shoreline to the maximum extent practical.

691 SECTION 38. K.C.C. 25.16.120, as amended by this ordinance, is hereby recodified as a  
692 new section in the new chapter established in section 13 of this ordinance.

693 SECTION 39. Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120 are  
694 each hereby amended to read as follows:

695 ~~((Residential development--))~~ **Docks, ((P))piers, moorage, or launching facilities -**

696 **Conditions.** Docks, piers, moorage or launching facilities are allowed only for water dependent  
697 uses or for public access. A water related or water enjoyment use may be allowed on an over-  
698 water structure only as part of a mixed-use development that includes a water dependent use.

699 Any dock, pier, moorage, float or launching facility authorized by ~~((K.C.C. 25.16.090 through~~  
700 ~~25.16.140))~~ this chapter shall be subject to the following conditions:

701 A. ~~((No structure may be located nor extend further waterward of the ordinary high~~  
702 ~~water mark than one-fourth the total distance from the shoreline associated with the structure to~~  
703 ~~the opposite shoreline. This total distance shall be measured from the point where the authorized~~  
704 ~~structure abuts the ordinary high water mark to the nearest opposite high water mark as measured~~  
705 ~~along a straight line; provided, when the structure does not abut the ordinary high water mark,~~  
706 ~~the distance from one ordinary high water mark to the opposite ordinary high water mark shall be~~  
707 ~~measured along the shortest straight line passing through the center of that structure which~~  
708 ~~commences from the property associated with such a structure.))~~ Any dock, pier, moorage, float  
709 or launching facility located on a freshwater anadromous salmonid lake that is accessory to a  
710 residential development shall conform to the United States Army Corps of Engineers General  
711 Permit RGP-3.

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712           B. Any dock, pier, moorage, float or launching facility located on a freshwater non-  
713 anadromous lake shall conform to the department of development and environmental services  
714 public rule 25-16, Shoreline Master Program: Repair or Replacement of Shoreline Protection,  
715 Piers, Moorage Facilities, or Launching Facilities.

716           C. Any dock, pier, moorage, float or launching facility located on marine waters shall  
717 conform to the United States Army Corps of Engineers General Permit RGP-6.

718           D. Fixed docks or piers are not allowed along shorelines with significant wetland  
719 vegetation and a habitat score of greater than twenty points.

720           E. Any dock, pier, moorage, float or launching facility proposal on marine waters must  
721 include an evaluation of the nearshore environment and the potential impact of the facility on  
722 that environment.

723           F. In the high intensity, residential, rural and conservancy environments, the following  
724 standards apply:

725           1. Only joint use dock, pier, moorage, float or launching facilities are allowed for  
726 attached dwelling unit development proposals;

727           2. Only one dock, pier, moorage, float or launching facility may be allowed for each  
728 single detached residential parcel and only if the applicant demonstrates there is no other option;  
729 and

730           3. Only one dock, pier, moorage, float or launching facility is allowed for each  
731 commercial or industrial use.

732           G. In the conservancy environment a dock or pier for a residential, commercial or  
733 manufacturing use must be located at least two hundred fifty feet from another dock or pier.

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734           H. In the resource and forestry environments, a shoreline conditional use permit is  
735 required for a dock, pier, moorage, float or launching facility, except for viewing platforms for  
736 water-dependent resource uses.

737           I. In the natural environment, a dock, pier, moorage float or launching facility is  
738 prohibited.

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

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

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

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

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

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

752           6. Canopies shall be of a solid color and should be of a shade which is non-obtrusive;

753           7. The canopy shall be included in the square footage calculations for docks and piers,  
754 as enumerated in ((K.C.C. 25.16.140E)) United States Army Corps of Engineers General Permit  
755 RGP-3, the United States Army Corps of Engineers General Permit RGP-6, or the department of

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756 development and environmental services public rule 25-16, Shoreline Master Program: Repair or  
757 Replacement of Shoreline Protection, Piers, Moorage Facilities, or Launching Facilities; and

758           8. Only one boat lift canopy per ~~((single family))~~ single detached residence shall be  
759 allowed.

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

767           ~~((D))~~ L. All docks, piers, moorages, floats or other such structures shall float at all times  
768 on the surface of the water or shall ~~((be of open pile construction, provided no portion of the~~  
769 ~~structure shall, during the course of the normal fluctuations of the elevation of the water body,~~  
770 ~~protrude more than five feet above the surface of the water, except as provided in subsection~~  
771 ~~B2))~~ meet the piling specifications of the United States Army Corps of Engineers General Permit  
772 RGP-3, the United States Army Corps of Engineers General Permit RGP-6, or the department of  
773 development and environmental services public rule 25-16, Shoreline Master Program: Repair or  
774 Replacement of Shoreline Protection, Piers, Moorage Facilities, or Launching Facilities.

775           ~~((E))~~ M. No dock or pier, including finger pier, moorage, float, or overwater structure or  
776 device shall be wider than fifty percent of the lot with which it is associated.

777           ~~((F))~~ N. No dwelling unit may be constructed on a dock or pier.

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778            SECTION 40. K.C.C. 25.20.060, as amended by this ordinance, is hereby recodified as a  
779 new section in the new chapter established in section 13 of this ordinance.

780            SECTION 41. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060, are  
781 each hereby amended to read as follows:

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

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

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

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

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

790                    3. ~~Critical wildlife habitat;~~

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

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

795                    6. ~~Areas having archeological or cultural significance;~~

796                    7. ~~Areas with a high potential of soil erosion.)) Only selective commercial timber harvest  
797 is allowed, except other timber harvesting methods may be permitted where the topography, soil  
798 conditions or silviculture practices necessary for forest regeneration render selective commercial  
799 timber harvest ecologically detrimental;~~

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

802           3. Clear cutting of timber that is solely incidental to the preparation of land for other  
803 uses authorized by the King County shoreline master program may be permitted.

804           ~~B. ((Buffers. On all forest practices requiring a shoreline conditional use permit, a~~  
805 ~~minimum buffer of 100 feet from either the ordinary high water mark or the edge of the FEMA~~  
806 ~~floodway, whichever is greater, shall be established. The buffer shall be extended as necessary~~  
807 ~~pursuant to the sensitive areas code to protect critical fish habitat for spawning or rearing; to~~  
808 ~~alleviate surface water runoff problems; to protect habitat for endangered, threatened, sensitive~~  
809 ~~or monitor species listed by the federal government or the state of Washington; to control erosion~~  
810 ~~hazards or for other reasons set out in K.C.C. chapter 21A.24. Along shorelines outside of lands~~  
811 ~~classified F, there shall be no harvest of timber within the buffer except for necessary roads and~~  
812 ~~crossings. Along shorelines within the lands classified F where a conditional use permit is~~  
813 ~~required, timber harvest within the buffer is permitted so long as the functions of the buffer are~~  
814 ~~not damaged and the applicant submits a harvest plan for review and approval.))~~ B. Forest  
815 practices in the natural environment is only allowed to enhance forest health.B. Forest practices  
816 within shoreline environments must comply with the Forest Practices Rules in WAC 222 and the  
817 revised Forest Practices Board Manual except:

818           1. The small forest landowner forestry riparian easement program established in chapter  
819 222-21 WAC does not apply within shorelines; and

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

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823 C. ~~((All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be kept~~  
824 ~~clear of obstructions. The minimum size for culverts shall be fifteen inches in diameter.))~~ Forest  
825 practices in the natural environment are allowed only to promote forest health.

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

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

830 ~~1. Cross streams;~~

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

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

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

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

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

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

840 ~~3/4 to 1 in stable soils~~

841 ~~1-1/2 to 1 in unstable soils~~

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

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

844 ~~1-1/2 to 1 in unstable soils~~

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

847           ~~K. Embankment fills shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

870 NEW SECTION. SECTION 42. There is hereby added a new section in the new chapter  
871 established in section 13 of this ordinance to read as follows:

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

874 The following standards apply to aquaculture:

875 A. Aquaculture shall not impede navigation. or water-dependent uses;

876 B. The facility shall be designed, located and managed to prevent the spread of diseases  
877 to native aquatic life or result in the spread of new nonnative species;

878 C. Herbicides and pesticides shall be used only in conformance with state and federal  
879 standard and to the minimum extent needed for the health of the aquaculture activity;

880 D. Aquaculture shall not result in impacts to water quality and existing aquatic habitat,  
881 and to the ecological functions identified in the shoreline inventory and characterization report;

882 E. Floating aquaculture facilities shall not be located:

883 1. Over eelgrass, kelp or other macroalgae; or

884 2. Over documented spawning habitat.

885 F. The facility shall be sited in areas of adequate tidal variation to prevent or minimize  
886 impacts on water quality and sediment.

887 G. Cutting, tilling or otherwise disturbing native vegetation is not allowed.

888 H. The aesthetic impacts of the aquacultural activities shall be mitigated to the maximum  
889 extent practical.

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890 I. Siting of aquaculture facilities shall consider impacts on public access to the water and  
891 shall maintain existing access or include new public access to the maximum extent practical.

892 J. Within the Maury Island Aquatic Reserve, the following conditions apply:

893 1. Net pens are not allowed within the Inner Quartermaster Harbor; and

894 2. Herring pens are not permitted in the Outer Quartermaster Harbor or along the  
895 Maury Island eastern shore during periods of herring spawning in January through mid-April.

896 NEW SECTION. SECTION 43. There is hereby added a new section in the new chapter  
897 established in section 13 of this ordinance to read as follows:

898 **Interpretation of shoreline modification table.** The shoreline modification table in  
899 section X of this ordinance determines whether a specific shoreline modification is allowed  
900 within each of the shoreline environments. The shoreline environment is located on the vertical  
901 column and the specific use is located on the horizontal row of the table. The table should be  
902 interpreted as follows:

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

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

908 C. If the letter "C" appears in the box at the intersection of the column and the row, the  
909 modification may be allowed within the shoreline environment subject to the shoreline  
910 conditional use review procedures specified in section X of this ordinance, and only if the  
911 underlying zoning allows the modification.

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912 D. If a number appears in the box at the intersection of the column and the row, the  
 913 modification may be allowed subject to the appropriate review process indicated above, the  
 914 specific development conditions indicated with the corresponding number immediately  
 915 following the table, and only if the underlying zoning allows the modification.

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

922 NEW SECTION. SECTION 44. There is hereby added a new section in the new chapter  
 923 established in section 13 of this ordinance to read as follows:

924 **Shoreline modifications.**

925 A. Shoreline modifications.

<b>KEY</b>	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
<b>Modifications</b>								
Shoreline protection/bulkheads, except flood protection facilities	P1	P1	P1	P1	P1	C1	C1	
Flood protection facilities	P2	P2	P2	P2	P2	P2	P2	P2

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<b>KEY</b>	<b>H I G H  I N T E N S I T Y</b>	<b>R E S I D E N T I A L</b>	<b>R U R A L</b>	<b>C O N S E R V A N C Y</b>	<b>R E S O U R C E</b>	<b>F O R E S T R Y</b>	<b>N A T U R A L</b>	<b>A Q U A T I C</b>
Breakwaters, jetties, groins and weirs								C3
Excavation, dredging and filling	P4	P4	P4	P4	P4	P4	P4	C4
Vegetation removal	P5	P5	P5	P5	P5	P5	P5	P5

926

B. Development conditions.

927

1. Shoreline stabilization, including bulkheads, but not including flood protection

928

facilities, must meet the standards in section X of this ordinance.

929

2. Flood protection facilities must be consistent with the standards in K.C.C. chapter

930

21A.24, the King County Flood Hazard Management Plan, the King County Guidelines for Bank

931

Stabilization Projects and the Washington State Integrated Streambank Protection Guidelines.

932

3. Breakwaters, jetties and weirs re only allowed where necessary to support water

933

dependent uses, public access, approved shoreline stabilization, or other public uses, as

934

determined by the director. Groins are only allowed to protect or restore shoreline biological

935

functions or processes, or as part of a community or public beach management program

936

addressing an entire drift section or reach, and only if no alternative is feasible. A shoreline

937

conditional use permit shall not be required for in-water structures installed for habitat

938

restoration or flood risk reduction projects sponsored by a public agency. The mitigation

939

sequencing of K.C.C. 21A.24.125 must be followed prior to approval of a breakwater, jetty,

940

groin or weir.

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941           4. Excavation, dredging and filling is subject to the standards in section X of this  
942 ordinance.

943           5. Vegetation removal shall be consistent with the standards in K.C.C. chapter 21A.24  
944 except vegetation removal is not allowed in the natural environment except for the removal of  
945 noxious and invasive vegetation using hand equipment.

946           SECTION 45. K.C.C. 25.16.180, as amended by this ordinance, is hereby recodified as a  
947 new section in the new chapter established in section 13 of this ordinance.

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

950           **Shoreline protection and bulkheads.** Shoreline protection may be permitted ~~((in the~~  
951 ~~urban environment))~~ subject to the standards in this chapter, provided:

952           A. Shoreline protection to replace existing shoreline protection shall be placed along the  
953 same alignment as the shoreline protection it is replacing, or landward of the existing shoreline  
954 protection, but may be placed waterward directly abutting the old structure only in cases where  
955 removal of the old structure would result in ~~((construction problems))~~ greater impact on ecological  
956 functions. In critical saltwater habitats, existing shoreline protection shall not be allowed to be  
957 replaced if the existing shoreline protection is resulting in the loss of ecological functions;

958           B. On lots where the abutting lots on both sides have legally established bulkheads, a new  
959 bulkhead may be installed no further waterward, as measured at an elevation two feet above the  
960 current ordinary high water mark, than the bulkheads on the abutting lots, provided that the  
961 horizontal distance between existing bulkheads on adjoining lots does not exceed one-hundred feet.  
962 The ~~((manager))~~ director may, upon review, permit a bulkhead to connect two directly adjoining  
963 bulkheads, for a distance up to one hundred fifty feet. In making such a determination the manager

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964 shall consider the amount of inter-tidal land(~~(/)~~) or water bottom to be covered, the existence of  
965 fish or shellfish resources (~~((thereon))~~), and whether the proposed use or structure could be  
966 accommodated by other configurations of bulkhead (~~((which))~~) that would result in less loss of  
967 shoreland, tideland, or water bottom;

968 C. ~~((In))~~ An applicant must demonstrate the following in order ~~((for a proposed bulkhead))~~  
969 to qualify for the RCW 90.58.030(3) (e) ~~((iii))~~ (ii) exemption from the shoreline substantial  
970 development permit requirements for a proposed bulkhead and to insure that ~~((such))~~ the  
971 bulkhead~~((s))~~ will be consistent with ~~((this program))~~ the King County shoreline master program as  
972 required by RCW 90.58.141(1), ~~((the Building and Land Development Division shall review the~~  
973 ~~proposed design as it relates to local physical conditions and the King County shoreline master~~  
974 ~~program and must find that))~~:

975 1. Erosion from waves or currents is imminently threatening a legally established  
976 ~~((residence))~~ single detached dwelling unit or one or more substantial accessory structures, and

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

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

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

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987 D. Shoreline protection shall not be considered an outright permitted use and shall be  
988 permitted only when it has been demonstrated that shoreline protection is necessary for the  
989 protection of existing legally established structures and public improvements or the preservation of  
990 ~~((important))~~ agricultural lands as designated by the ~~((Office of Agriculture))~~ King County  
991 Comprehensive Plan. Shoreline stabilization must avoid to the maximum extent practical, feeder  
992 bluffs, salmonid and forage habitat and eelgrass beds and when allowed, must be designed to  
993 have the least impact on these resources.

994 E. Shoreline protection shall not have adverse impact on the property of others.

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

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

999 H. Automobile bodies or other junk or waste material which may release undesirable  
1000 material shall not be used for shoreline protection.

1001 I. Shoreline protection shall be designed so as not to constitute a hazard to navigation and  
1002 to not substantially interfere with visual access to the water.

1003 J. Shoreline protection shall be designed so as not to create a need for shoreline protection  
1004 elsewhere.

1005 K. ~~((Bulkheads on Class I beaches shall be located no farther waterward than the bluff or~~  
1006 ~~bank line;~~

1007 ~~L. Bulkheads must be approved by the Washington State Department of Fisheries;~~

1008 ~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable means to~~  
1009 ~~allow passage of surface and groundwater without internal erosion of fine material;~~

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1010 ~~N. Groins are permitted only as part of a professionally designed community or public~~  
1011 ~~beach management program.))~~ Shoreline protection shall comply with the Washington State  
1012 Integrated Streambank Protection Guidelines and shall be designed to allow for appropriate public  
1013 access to the shoreline. A shoreline conditional use permit shall be required for shoreline  
1014 stabilization in the forestry and natural environments.

1015 L. The department shall provide a notice to applicants for new development on Vashon  
1016 and Maury Island that their development may be impacted by sea level rise and shall require the  
1017 development to be setback sufficient distance that shoreline protection is not needed.

1018 SECTION 47. K.C.C. 25.16.190, as amended by this ordinance, is hereby recodified as a  
1019 new section in the new chapter established in section 13 of this ordinance.

1020 SECTION 48. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190, are  
1021 each hereby amended to read as follows:

1022 **Excavation, dredging and filling.** Excavation, dredging and filling may be permitted ((in  
1023 ~~the urban environment, only as part of an approved overall development plan not as an~~  
1024 ~~independent activity provided)) as follows:~~

1025 A. Any fill or excavation ((~~regardless of size,~~) landward of the ordinary high water mark  
1026 shall be subject to the provisions of K.C.C. chapter 16.82((,-100)) and K.C.C. chapter 21A.24((;)).

1027 B. ((~~Landfill~~) Fill) may be permitted below the ordinary high water mark only:

1028 1. when necessary ((for the operation of)) to support a water dependent ((or water  
1029 related)) use((;));

1030 2. to provide for public access;

1031 3. ((or)) when necessary to mitigate conditions ((which)) that endanger public safety;

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1032           4. to allow for cleanup and disposal of contaminated sediments as part of an interagency  
1033 environmental cleanup plan;

1034           5. to allow for the disposal of dredged material considered suitable under, and conducted  
1035 in accordance with, the dredged material management program of the Washington Department of  
1036 Natural Resources;

1037           6. for expansion or alteration of transportation or utility facilities of statewide significance  
1038 currently located on the shoreline and then only upon demonstration that alternatives to fill are not  
1039 feasible; or

1040           7. as part of mitigation actions, environmental restoration projects, beach nourishment,  
1041 habitat enhancement projects and flood risk reduction projects.

1042           C. A shoreline conditional use permit shall be required for fill or excavation below the  
1043 ordinary high water mark except for the actions in subsection B.7. above.

1044           ~~((C))~~D. ((Landfill)) Fill or excavations shall be permitted only when technical information  
1045 demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially  
1046 impaired~~((;))~~.

1047           ~~((D. Landfill or disposal of dredged material shall be prohibited within the floodway;~~

1048           ~~E. Wetlands such as marshes, swamps, and bogs shall not be disturbed or altered through~~  
1049 ~~excavation, filling, dredging, or disposal of dredged material unless the manager determines that~~  
1050 ~~either:~~

1051           ~~1. The wetland does not serve any of the valuable functions of wetlands identified in~~  
1052 ~~K.C.C. 20.12.080 and U.S. Army Corps of Engineers 33 CFR 320.4(b), including but not limited~~  
1053 ~~to wildlife habitat and natural drainage functions, or~~

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1054           ~~2. The proposed development would preserve or enhance the wildlife habitat, natural~~  
1055 ~~drainage, and/or other valuable functions of wetlands as discussed in K.C.C. 20.12.080 or U.S.~~  
1056 ~~Army Corps of Engineers 33 CFR 320.4(b) and would be consistent with the purposes of this Title;~~

1057           ~~F. Class I beaches shall not be covered by landfill except for approved beach feeding~~  
1058 ~~programs;~~

1059           ~~G. Excavations on beaches shall include precautions to prevent the migration of fine grain~~  
1060 ~~sediments, disturbed by the excavation, onto adjacent beach areas and excavations on beaches shall~~  
1061 ~~be backfilled promptly using material of similar composition and similar or more coarse grain size;~~

1062           ~~H. No refuse disposal sites, solid waste disposal sites, or sanitary fills of putrescible or~~  
1063 ~~non putrescible material shall be permitted within the shorelines of the state;))~~

1064           ~~((F))E. ((Excavation or dredging)) Dredging and Dredged material disposal below the~~  
1065 ~~ordinary high water mark shall be permitted only:~~

1066           1. When necessary for the operation of a water dependent ~~((or water related))~~ use~~((, or))~~;

1067           2. When necessary to mitigate conditions ~~((which))~~ that endanger public safety or  
1068 fisheries resources~~((, or))~~;

1069           3. As part of and necessary to roadside or agricultural ditch maintenance that is  
1070 performed consistent with best management practices promulgated through administrative rules  
1071 pursuant to the ~~((sensitive))~~ critical areas provisions of K.C.C. chapter 21A.24 and if:

1072           a. the maintenance does not involve any expansion of the ditch beyond its previously  
1073 excavated size. This limitation shall not restrict the county's ability to require mitigation, pursuant  
1074 to K.C.C. chapter 21A.24, or other applicable laws;

1075           b. the ditch was not constructed or created in violation of law;

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1076 c. the maintenance is accomplished with the least amount of disturbance to the stream or  
1077 ditch as possible;

1078 d. the maintenance occurs during the summer low flow period and is timed to avoid  
1079 disturbance to the stream or ditch during periods critical to salmonids; and

1080 e. the maintenance complies with standards designed to protect salmonids and salmonid  
1081 habitat, consistent with K.C.C. chapter 21A.24; provided, that this paragraph shall not be construed  
1082 to permit the mining or quarrying of any substance below the ordinary high water mark;

1083 4. For establishing, maintaining, expanding, relocating or reconfiguring navigation  
1084 channels and basins when necessary to assure safe and efficient accommodation of existing  
1085 navigation uses when:

1086 a. significant ecological impacts are minimized;

1087 b. mitigation is provided;

1088 c. maintained to the existing authorized location, depth and width; and

1089 5. For restoration projects when:

1090 a. the site where the fill is placed is located waterward of the ordinary high water mark;

1091 and

1092 b. the project is associated with a habitat project under the Model Toxics Control Act or  
1093 the Comprehensive Environmental Response, Compensation, and Liability Act, or

1094 c. any habitat enhancement or restoration project; and

1095 6. For flood risk reduction projects conducted in accordance with Policy RCM-3 of the  
1096 King County Flood Hazard Management Plan.

1097 F. Dredging is not allowed waterward of the ordinary high water mark for the primary  
1098 purpose of obtaining fill material unless:

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- 1099           1. Removal of sand and gravel will not adversely affect the natural processes of gravel  
1100 transportation for the river system as a whole;
- 1101           2. There is no significant impact on habitat for threatened or endangered species or result  
1102 in a net loss of ecological function; and
- 1103           3. Approved under a shoreline conditional use permit, or  
1104           4. Part of a habitat restoration project..
- 1105           ~~((F))~~G. Disposal of dredged material shall be done only in approved deep water disposal  
1106 sites or approved ~~((contain))~~ upland disposal sites and is not allowed within wetlands, the 100-year  
1107 floodplain or channel migration zones~~((;))~~.
- 1108           ~~((K))~~H. Stockpiling of dredged material in or under water is prohibited~~((;))~~.
- 1109           ~~((L. Maintenance dredging not requiring a shoreline permit(s) shall conform to the~~  
1110 ~~requirements of this section;~~
- 1111           ~~M. Dredging shall be timed so that it does not interfere with aquatic life;~~
- 1112           ~~N. The county may impose reasonable conditions on dredging or disposal operations~~  
1113 ~~including but not limited to working seasons and provisions of buffer strips, including retention or~~  
1114 ~~replacement of existing vegetation, dikes, and settling basins to protect the public safety and shore~~  
1115 ~~users' lawful interests from unnecessary adverse impact;))~~
- 1116           ~~((O))~~I. In order to insure that operations involving dredged material disposal and  
1117 maintenance dredging are consistent with ~~((this program))~~ the King County shoreline master  
1118 program as required by RCW 90.58.140(1), no dredging may commence ~~((on))~~ in any shoreline  
1119 environment without the responsible person having first obtained either a substantial development  
1120 permit or a statement of exemption.~~((; PROVIDED, that no))~~ A statement of exemption or

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1121 shoreline permit is not required for emergency dredging needed to protect property from imminent  
1122 damage by the elements((;)).

1123 P. Operation and maintenance of any existing system of ditches, canals, or drains, or  
1124 construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit  
1125 requirement.

1126 NEW SECTION. SECTION 49. There is hereby added a new section in the new chapter  
1127 established in section 13 of this ordinance to read as follows:

1128 **Interpretation of shoreline density and dimensions table.** The shoreline density and  
1129 dimensions table in section X of this ordinance establishes the shoreline standards within each of  
1130 the shoreline environments. The shoreline environment is located on the vertical column and the  
1131 density and dimensions standard is located on the horizontal row of the table. The table should  
1132 be interpreted as follows:

1133 A. If the cell is blank in the box at the intersection of the column and the row, the  
1134 standards are the same as for the underlying zoning.

1135 B. If the cell has a number in the box at the intersection of the column and the row, that  
1136 number is the density or dimension standard for that shoreline environment.

1137 C. If the cell has a parenthetical number in the box at the intersection of the column and  
1138 the row, that parenthetical number identifies specific conditions immediately following the table  
1139 that are related to the density and dimension standard for that environment.

1140 NEW SECTION. SECTION 50. There is hereby added a new section in the new chapter  
1141 established in section 13 of this ordinance to read as follows:

1142 **Shoreline density and dimensions.**

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1143           The density and dimensions enumerated in this section apply to any lot that has buildable  
 1144 area within the shoreline jurisdiction. Buildable area means that the area of the lot, exclusive of  
 1145 any setbacks upon which a structure may be constructed. If there is a conflict between the density  
 1146 and dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive shall  
 1147 apply.

1148           A. 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
<b>Standards</b>								
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	
Impervious surface				10% max (3)		10% max (3)	10% max (3)	
Residential accessory building footprint		150 square feet	150 square feet (4)	150 square feet (4)	150 square feet (4)	150 square feet	150 square feet	

1149

1150           B. Development conditions.

1151           1. This height can be exceeded consistent with the base height for the zone for:

1152           a. agricultural buildings;

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1153           b. water-dependent uses and water-related uses, only if the view of substantial number  
1154 of residences will not be obstructed; and

1155           c. light rail transit support structures, but no more than is reasonably necessary to  
1156 address the engineering, operational, environmental issues at the location of the structure.

1157           2. The minimum lot areas may be reduced as follows:

1158           a. to no less than 10,000 square feet or the minimum lot areas for the zone, which ever  
1159 is greater, through lot averaging; and

1160           b. to no less than 8,000 square feet, or the minimum lot areas for the zone, whichever  
1161 is greater, through cluster development as provided in K.C.C. chapter 21A.14 when public access  
1162 is provided.

1163           3. The director may allow additional impervious surface for public parks, public trails,  
1164 public transportation and utility facilities.

1165           4. May be exceeded for agricultural structures.

1166           NEW SECTION. SECTION 51. There is hereby added a new section in the new chapter  
1167 established in section 13 of this ordinance to read as follows:

1168           **Lake Sammamish.** Development proposals along Lake Sammamish shall assure that  
1169 structures are placed at or above thirty-two and one-half feet mean sea level, National Geodetic  
1170 Datum (NGVD) of 1929.

1171           SECTION 52. K.C.C. 25.16.150, as amended by this ordinance, is hereby recodified as a  
1172 new section in the new chapter established in section 13 of this ordinance.

1173           SECTION X. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150 are each  
1174 hereby amended to read as follows:

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1175           **Subdivisions.** A. Any existing lot that does not comply with the density and dimensions  
1176 standards of K.C.C. chapter 21A.12 or section X of this ordinance and located wholly or partially  
1177 within the shorelines of the state shall be subject to the following provisions:

1178           1. If the adjoining property is not under the same ownership as such lot, then the lot shall  
1179 be considered a separate building site.

1180           2. If the adjoining property is under the same ownership as such lot, then the lot shall not  
1181 be considered a separate building site until the lot is combined with adjoining property under the  
1182 same ownership in such a way as to comply with the density and dimensions standards of K.C.C.  
1183 chapter 21A.12.

1184           B. Submerged land within the boundaries of any waterfront parcel shall not be used to  
1185 compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar required  
1186 conditions of land subdivision or development, except, where specifically authorized by ordinance,  
1187 such lands may be used in area computations as an incentive to encourage common open space  
1188 waterfront areas.

1189           C. All newly created lots wholly or partially within the shoreline shall be of uniform size  
1190 and dimension, whenever possible.

1191           D. Subdivision of more than four lots shall provide public access to the shoreline in  
1192 conformance with the standards in section X of this ordinance.

1193           E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction  
1194 whenever feasible. When lots are located within the shoreline, the size and shape of the lots should  
1195 allow for the construction of residential units that do not require shoreline stabilization.

1196           NEW SECTION. SECTION 53. There is hereby added a new section in the new chapter  
1197 established in section 13 of this ordinance to read as follows:

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1198           **Archaeological, historic and cultural sites.** Development within shoreline

1199 environments shall protect archaeological, historic and cultural sites as follows:

1200           A. Known Historic, Cultural or Archaeological Sites:

1201                 1. Development proposals on properties within five hundred feet of a site known to

1202 contain historic, cultural or archaeological resources shall include a cultural resource site

1203 assessment. The site assessment shall be conducted by a professional archaeologist or historic

1204 preservation professional, as applicable, to determine the presence of historic or significant

1205 archaeological resources.

1206                 2. If the cultural resource site assessment identifies the presence of historic or significant

1207 archaeological resources, a cultural resource management plan shall be prepared by a professional

1208 archaeologist or historic preservation professional, as applicable. The professional archaeologist or

1209 historic preservation professional shall solicit comments from the Washington State Department of

1210 Archaeology and Historic Preservation and any affected tribes. Comments received shall be

1211 incorporated into the conclusions and recommended conditions of the cultural resource

1212 management plan to the maximum extent practical. The cultural resource management plan shall

1213 contain the following elements:

1214                 a. the purpose of the project;

1215                 b. a site plan for proposed on-site development;

1216                 c. depth and location of all ground disturbing activities including, but not limited to,

1217 utilities, driveways, clearing and grading;

1218                 d. an examination of project on-site design alternatives;

1219                 e. an explanation of why the proposed activity requires a location on, or access across

1220 or through, an historic or significant archaeological resource;

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1221 f. a description of the historic or archaeological resources affected by the proposal;

1222 g. an assessment of the historic or archaeological resource and an analysis of the  
1223 potential adverse impacts as a result of the activity;

1224 h. an analysis of how these impacts have been avoided; or where avoidance is not  
1225 possible, how these impacts have been mitigated or minimized; and

1226 i. a recommendation of appropriate mitigation measures.

1227 3. Mitigation measures may include, but are not limited to, the following:

1228 a. recording the site with the State Department of Archaeology and Historic  
1229 Preservation, or listing the site in the National Register of Historic Places, Washington Heritage  
1230 Register, as applicable, or any locally developed historic registry formally adopted by the King  
1231 County Council;

1232 b. preservation in place;

1233 c. reinterment in the case of grave sites;

1234 d. covering an archaeological site with a nonstructural surface to discourage pilferage;

1235 e. excavation and recovery of archaeological resources;

1236 f. inventorying prior to covering of archaeological resources with structures or  
1237 development; or

1238 g. monitoring of construction excavation.

1239 4. The recommendations and conclusions of the cultural resource management plan  
1240 shall be used to assist the director in making final administrative decisions concerning the  
1241 presence and extent of historic or archaeological resources and appropriate mitigating measures.

1242 The director shall consult with the Washington State Department of Archaeology and Historic  
1243 Preservation, and affected tribes prior to approval of the cultural resource management plan.

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1244           5. The director may reject or request revision of the conclusions reached in a cultural  
1245 resources management plan when the director can demonstrate that the assessment is inaccurate  
1246 or does not fully address the historic or archaeological resource management concerns involved.

1247           6. Within fifteen days of receipt of a complete development permit application in an  
1248 area of known historic or archaeological resources, the department shall notify and request a  
1249 recommendation from appropriate agencies such as the Washington State Department of  
1250 Archaeology and Historic Preservation and any affected tribes. Recommendations of such  
1251 agencies and other affected persons shall be duly considered and adhered to whenever possible  
1252 and reasonable. Notification shall include the following information:

1253           a. the date of complete application, and the date of the notice of application;

1254           b. the date, time, place of the public hearing, if applicable;

1255           c. a site map including the street address, tax parcel number, township, range, and  
1256 section of the development proposal;

1257           d. a description of the proposed project action and a list of the project permits included  
1258 in the application, and, if applicable, a list of any studies requested by the department;

1259           e. the identification of other permits not included in the application to the extent known  
1260 by the department;

1261           f. the identification of existing environmental documents that evaluate the proposed  
1262 project and, if not otherwise stated on the document providing notice of application, the location  
1263 where the application and any studies can be reviewed;

1264           g. any other information determined appropriate by the department;

1265           h. a statement indicating those development regulations that will be used for project  
1266 mitigation or a determination of consistency if they have been identified at the time of notice;

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1267           i. a statement of the limits of the comment period, the right of each agency to  
1268 comment on the application within a fifteen-day time period, receive notice of and participate in  
1269 any hearings, request a copy of the decision once made, and to appeal a decision when allowed  
1270 by law. In addition, the statement shall indicate that any agency wishing to receive personal  
1271 notice of any hearings must notify the hearing examiner's office within fifteen days of the date of  
1272 the notice of application.

1273           6. In granting shoreline permits or shoreline exemptions, the department may attach  
1274 conditions to provide sufficient time or conditions for consultation with the Washington State  
1275 Department of Archaeology and Historic Preservation and any affected tribes, and to assure that  
1276 historic or archaeological resources are properly protected, or for appropriate agencies to contact  
1277 property owners regarding purchase or other long-term arrangements. Provision for the  
1278 protection and preservation of historic or archaeological sites shall be incorporated to the  
1279 maximum extent practical.

1280           B. Inadvertent Discovery

1281           1. Whenever historic, cultural or archaeological sites or artifacts of potential  
1282 significance are discovered in the process of development on shorelines, work on that portion of  
1283 the development site shall be stopped immediately and the find reported as soon as possible to  
1284 the Administrator.

1285           2. The director shall then notify the Washington State Department of Archaeology and  
1286 Historic Preservation, any affected tribes and other appropriate agencies and shall require that an  
1287 immediate site assessment be conducted by a professional archaeologist or historic preservation  
1288 professional, as applicable, pursuant to subsection A.1. of this section to determine the  
1289 significance of the discovery and the extent of damage to the resource. The site assessment shall

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1290 be distributed to the Washington State Department of Archaeology and Historic Preservation,  
1291 and any affected tribes for a fifteen-day review period or, in the case of inadvertent discovery of  
1292 human remains, a thirty-day review period to determine the significance of the discovery. If the  
1293 site has been determined not to be significant by the above listed agencies or governments, or if  
1294 the above listed agencies or governments have failed to respond within the applicable review  
1295 period following receipt of the site assessment, such stopped work may resume.

1296           3. Upon receipt of a positive determination of a site's significance, the administrator  
1297 may invoke the provisions of Section A.2 through A.6. above if such action is reasonable and  
1298 necessary to implement related program objectives.

1299           C. Public Access

1300           1. If a private or publicly owned building or structure of historic significance is  
1301 identified, public access shall be encouraged as appropriate for purposes of public education;  
1302 provided that:

1303           a. the type or level of public access is consistent with the long term protection of both  
1304 historic resource values and shoreline ecological functions; and

1305           b. an access management plan is developed in accordance with site- and resource-  
1306 specific conditions in consultation with the Washington State Department of Archaeology and  
1307 Historic Preservation, any affected tribes or other agencies, as appropriate, to address the  
1308 following:

1309           (1) hours of operation;

1310           (2) interpretive or directional signage;

1311           (3) lighting;

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1312 (4) pedestrian access; or

1313 (5) traffic and parking.

1314 2. For archaeological and cultural resource sites, the Washington State Department of  
1315 Archaeology and Historic Preservation, any affected tribes or other agencies, as appropriate,  
1316 shall be in agreement prior to providing public access to a site. An access and resource  
1317 management plan shall be developed in consultation with the Washington State Department of  
1318 Archaeology and Historic Preservation, the affected tribe.

1319 NEW SECTION. SECTION 54. There is hereby added a new section in the new chapter  
1320 established in section 13 of this ordinance to read as follows:

1321 **Parking standards.** Parking facilities except parking facilities associated with single  
1322 detached dwelling units and agricultural development shall meet the following standards:

1323 1. Parking areas serving a water related, water enjoyment or a nonwater-oriented use  
1324 must be located beneath or upland of the development which the parking area serves, except for  
1325 utility facilities;

1326 2. The design of parking facilities must use low-impact designs, such as porous  
1327 concrete and vegetated swales; and

1328 3. Parking must be set back one hundred feet from the ordinary high water mark in the  
1329 conservancy environment; and

1330 4. Parking must be set back two hundred feet from the ordinary high water mark in the  
1331 natural environment.

1332 SECTION 55. K.C.C. 25.16.160, as amended by this ordinance, is hereby recodified as a  
1333 new section in the new chapter established in section 13 of this ordinance.

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1334            SECTION 56. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each hereby  
1335 amended to read as follows:

1336            **Utilities.** Utility facilities may be permitted (~~((in the urban environment))~~) subject to the  
1337 general requirements (~~((section (Section 25.16.030)))~~) of this (~~((chapter))~~) title, provided:

1338            A. Utility and transmission facilities shall, to the maximum extent practical:

- 1339            1. Avoid disturbance of unique and fragile areas;
- 1340            2. Avoid disturbance of wildlife spawning, nesting and rearing areas; and
- 1341            3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic  
1342 recreation or historic areas.

1343            B. Utility distribution and transmission facilities shall be designed so as to:

- 1344            1. Minimize visual impact;
- 1345            2. Harmonize with or enhance the surroundings;
- 1346            3. Not create a need for shoreline protection;
- 1347            4. Utilize to the (~~((greatest extent possible))~~) maximum extent practical natural screening;
- 1348            5. Be located outside the shoreline environments where feasible; and
- 1349            6. Be located within existing rights of way and utility corridors where feasible.

1350            C. The construction and maintenance of utility facilities shall be done in such a way so as  
1351 to:

- 1352            1. Maximize the preservation of natural beauty and the conservation of resources;
- 1353            2. Minimize scarring of the landscape;
- 1354            3. Minimize siltation and erosion;
- 1355            4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
- 1356            5. Avoid disruption of critical aquatic and wildlife stages.

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1357 D. Rehabilitation of areas disturbed by the construction (~~and~~) or maintenance of utility  
1358 facilities shall:

1359 1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain plant  
1360 and wildlife habitats;

1361 2. Utilize plantings compatible with the native vegetation.

1362 E. Solid waste transfer stations shall not be permitted within the shorelines of the state.

1363 F. Utilities that are classified as regional land uses under K.C.C. 21A.08.100 shall require  
1364 a shoreline conditional use permit.

1365 SECTION 57. K.C.C. 25.16.080, as amended by this ordinance, is hereby recodified as a  
1366 new section in the new chapter established in section 13 of this ordinance.

1367 SECTION 58. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each hereby  
1368 amended to read as follows:

1369 **Signs.** Signs may be permitted (~~in the urban environment~~) subject to the provisions (~~of~~  
1370 ~~the underlying zoning~~) in K.C.C. chapter 21A.20, provided:

1371 A. (~~No sign which is not constructed parallel to and flush against the side of a building~~  
1372 ~~shall be permitted which is more than seventy two inches in height as measured from the average~~  
1373 ~~grade level.~~

1374 B. ~~Signs painted upon or constructed parallel to and flush against the side of a building~~  
1375 ~~shall not extend beyond the wall or above the roof line against which they are constructed.~~

1376 C. ~~Signs shall be stationary, nonblinking and nonrevolving.~~

1377 D. ~~Signs shall have no auxiliary projections or attachments.~~

1378 E. ~~Signs shall not be erected nor maintained upon trees, or drawn or painted upon rocks or~~  
1379 ~~other natural features.~~

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1380 ~~F. Artificial lighting of signs shall be directed away from adjacent properties and the~~  
1381 ~~water.))~~

1382 ((G.)) Signs waterward of the ordinary high water mark shall be permitted only to the  
1383 extent necessary for the operation of a permitted overwater development ~~((provided n))~~. No such  
1384 sign shall be larger than five square feet.

1385 B. In the rural environment, signs may not exceed fifty square feet.

1386 C. In the conservancy environment, signs are not allowed except for:

1387 1. Signs of not more than twenty-five square feet within public parks or trails; and

1388 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units and  
1389 agricultural uses.

1390 D. In the resource and natural environments, signs are not allowed except for:

1391 1. Signs of not more than twenty-five square feet within public parks or trails; and

1392 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units.

1393 SECTION 59. Ordinance 11622, Section 1, and K.C.C. 7.02.010 are each hereby  
1394 amended to read as follows:

1395 **Relationship to growth management act.** Ordinance 11622 and K.C.C. Titles 7 (Parks  
1396 and Recreation)((,)) and 23 (Enforcement)((, and 25 (Shorelines))) are adopted as development  
1397 regulations pursuant to RCW 36.70A (Growth Management Act).

1398 SECTION 60. Ordinance 11622, Section 1, and K.C.C. 23.02.020 are each hereby  
1399 amended to read as follows:

1400 **Relationship to growth management ~~((plan))~~act.** Ordinance 11622 and K.C.C. Titles 7  
1401 (Parks and Recreation)((,)) and 23 (Enforcement)((, and 25 (Shorelines)))are adopted as  
1402 development regulations pursuant to chapter 36.70A RCW (Growth Management Act).

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1403            SECTION 61. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a new  
1404 section in the new chapter established in section 13 of this ordinance.

1405            SECTION 62. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each hereby  
1406 amended to read as follows:

1407            **Substantial development - permit required - statement of exemption.**

1408            A. No development shall be undertaken by any person on the shorelines of the state  
1409 unless such development is consistent with the policy of (~~Section 2 of the Shoreline~~  
1410 ~~Management Act of 1971, and, after adoption and approval, the guidelines and regulations of the~~  
1411 ~~Washington State Department of Ecology~~) RCW 90.58.020, chapter 173-26 WAC and the King  
1412 County shoreline master program.

1413            B. (~~No~~) A substantial development permit shall be (~~undertaken by any person on the~~  
1414 ~~shorelines of the state without first obtaining a substantial development permit from the director;~~  
1415 ~~provided, that such a permit shall not be required for the development excepted~~) required for all  
1416 proposed uses and developments of shorelines unless the proposal is specifically exempt from  
1417 the definition of substantial development in RCW 90.58.030 (~~and for developments~~) and WAC  
1418 173-27-040 or is exempted by RCW 90.58.140(9) and (10).

1419            C. (~~Any person claiming exception from the permit requirements of this chapter as a~~  
1420 ~~result of the exemptions described in subsection B. of this section may make an application to~~  
1421 ~~the director for such an exemption in the manner prescribed by the director. Development within~~  
1422 ~~the shorelines of the state which does not require a permit shall conform to the master program.~~  
1423 ~~Conditions requiring such conformance may be imposed prior to granting exemption from the~~  
1424 ~~permit requirement.~~) A written statement of exemption shall be required for activities that are

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1425 exempt from the substantial development permit requirement in subsection B of this section

1426 when:

1427 1. WAC 173-27-050 applies; or

1428 2. The activity will occur at or below the ordinary high water mark.

1429 D. Whether or not a written statement of exemption is required, all permits issued for

1430 development activities within the shoreline jurisdictional area shall include a record of review

1431 indicating compliance with the shoreline master program and regulations.

1432 E. Conditions of approval may be attached to the approval of substantial development

1433 permits, statement of exemptions or exempted developments as necessary to assure consistency

1434 of the project with the shoreline master program and regulations.

1435 (Ord. 3688 § 801, 1978).

1436 SECTION 63. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a new  
1437 section in the new chapter established in section 13 of this ordinance.

1438 SECTION 64. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each hereby  
1439 amended to read as follows:

1440 **Permits - prerequisite to other permits.** In the case of development subject to the  
1441 permit requirements of this ~~((title))~~ chapter, King County shall not issue any other permit for  
1442 such development until such time as approval has been granted pursuant to this ~~((title))~~ chapter.

1443 Any development subsequently authorized by King County shall be subject to the same terms  
1444 and conditions which apply to the development authorized pursuant to this ~~((title))~~ chapter.

1445 (Ord. 3688 § 802, 1978).

1446 SECTION 65. K.C.C. 25.32.040, as amended by this ordinance, is recodified as a new  
1447 section in K.C.C. chapter 21A.44.

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1448            SECTION 66. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040 are each  
1449 hereby amended to read as follows:

1450            ~~((Permits--))~~ **Shoreline variance.**

1451            A. ~~((The director is authorized to grant a variance from the performance standards of this~~  
1452 ~~master program only under the conditions enumerated WAC 173-14-150 (Review Criteria for~~  
1453 ~~Variances--))~~ A shoreline variance shall be granted by the county from the bulk, dimensional or  
1454 performance standards set forth in section 11 of this ordinance only if the applicant demonstrates  
1455 that:

1456                    1. The review criteria of WAC 173-27-170 has been met;

1457                    2. The shoreline variance does not permit a use that is specifically prohibited in the  
1458 environmental designation; and

1459                    3. Views from nearby roads and public areas are protected.

1460            B. A variance from county zoning code requirements shall not be construed to mean a  
1461 variance from shoreline master program use regulations and vice versa.

1462            C. ~~((Shoreline variances may not be used to permit a use that is specifically prohibited in~~  
1463 ~~an environment designation.~~

1464            ~~D--))~~ The burden of proving that a proposed variance meets these conditions shall be on  
1465 the applicant; absence of such proof shall be grounds for denial of the application.

1466            ~~((E--The fee which shall accompany an application for a shoreline variance shall be as~~  
1467 ~~adopted by ordinance.))~~ (Ord. 5734 § 15, 1981: Ord. 3688 § 804, 1974).

1468            SECTION 67. K.C.C. 25.32.050, as amended by this ordinance, is recodified as a new  
1469 section in K.C.C. chapter 21A.44.

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1470            SECTION 68. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each hereby  
1471 amended to read as follows:

1472            ~~((Permits--))~~ Shoreline conditional use.

1473            A. ~~((The director is authorized to issue))~~ A shoreline conditional use ~~((permits))~~ shall be  
1474 granted by the department for conditional uses identified in section X of this ordinance as  
1475 shoreline conditional uses only ~~((under the following circumstances))~~ if the applicant  
1476 demonstrates that:

1477            1. ~~((The development must be compatible with uses which are permitted within the~~  
1478 ~~master program environment in which the development is proposed.))~~ The review criteria of  
1479 WAC 173-27-160 has been met; and

1480            2. ~~((The use will cause no unreasonable adverse effects on the shoreline or surrounding~~  
1481 ~~properties and uses.~~

1482            3.)) The use will promote or not interfere with public use of surface waters.

1483            ~~((4. The development of the site will not be contrary to the policies of the master~~  
1484 ~~program.))~~

1485            B. A shoreline conditional use may be granted by the department for uses not identified  
1486 as conditional uses in section X of this ordinance only if the applicant demonstrates that:

1487            1. The criteria in subsection A of this section has been met;

1488            2. The use is not specifically prohibited in the shoreline classification;

1489            3. The use clearly requires specific site location on the shoreline not provided for under  
1490 the master program; and

1491            4. Extraordinary circumstances preclude reasonable use of the property in a manner  
1492 consistent with the use regulations of the new chapter created in section 13 of this ordinance.

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1493            C. The burden of proving that a proposed shoreline conditional use meets the criteria  
1494 enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence of such proof  
1495 shall be grounds for denial of the application ~~((; provided, however, that the director is authorized~~  
1496 ~~to determine and impose, on a case-by-case basis, those conditions and standards which may be~~  
1497 ~~required to enable any proposed shoreline conditional use to satisfy the criteria established in~~  
1498 ~~subsection A. of this section)).~~ (Ord. 3688 § 805, 1978).

1499            SECTION 69. K.C.C. 25.32.060 , as amended by this ordinance, is recodified as a new  
1500 section in the new chapter established in section 13 of this ordinance.

1501            SECTION 70. Ordinance 3688 Section 806, and K.C.C. 25.32.060 are each hereby  
1502 amended to read as follows:

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

1503            ~~((A. Applications for substantial development or building permits to modify a~~  
1504 ~~nonconforming use or development may be approved only if:~~

- 1506            ~~1. The modifications will make the use or development less nonconforming; or~~  
1507            ~~2. The modifications will not make the use or development more nonconforming.))~~

1508            ~~B. A use or development, not conforming to existing regulations, which is destroyed,~~  
1509 ~~deteriorated, or damaged more than fifty percent of its fair market value at present or at the time~~  
1510 ~~of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only~~  
1511 ~~insofar as it is consistent with existing regulations.))~~

1512            C.)) The review of applications for the ~~((modification))~~ expansion or replacement of a  
1513 nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~ in  
1514 accordance with K.C.C. 21A.32 (General Provisions-Nonconformance, Temporary Uses, and

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1515 Re-Use of Facilities). (Ord. 12196 § 59, 1996: Ord. 11792 § 36, 1995: Ord. 5734 § 16, 1981:  
1516 Ord. 3688 § 806, 1978).

1517 SECTION 71. Ordinance 13130, Section 3, and K.C.C. 21A.32.045 are each hereby  
1518 amended to read as follows:

1519 **Nonconformance - Re-establishment of discontinued nonconforming use, or**  
1520 **damaged or destroyed nonconforming structure or site improvement.** A nonconforming use  
1521 which has been discontinued or a nonconforming structure or site improvement which has been  
1522 damaged or destroyed, may be re-established or reconstructed if:

1523 A. The nonconforming use, structure, or site improvement which previously existed is  
1524 not expanded;

1525 B. A new nonconformance is not created; ~~((and))~~

1526 C. The use has not been discontinued for more than twelve months prior to its re-  
1527 establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a  
1528 complete permit application submitted to the department within twelve months of the occurrence  
1529 of damage or destruction, and

1530 D. A nonconforming use, structure or site improvement located within the shoreline  
1531 jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at  
1532 present or at the time of its destruction may be reconstructed only insofar as it is consistent with  
1533 existing regulations. (Ord. 13130 § 3, 1998).

1534 SECTION 72. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a new  
1535 section in the new chapter established in section 13 of this ordinance.

1536 SECTION 73. Ordinance 3688, Section 810, and K.C.C. 25.32.100 are each hereby  
1537 amended to read as follows:

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1538       **Appeals.**

1539           A. Appeals from the final decision of the county with regard to shoreline management  
1540 shall be governed solely by the provisions of RCW 90.58.180.

1541           B. The effective date of King County's decision shall be the date of filing with the  
1542 Department of Ecology as defined in RCW 90.58.140.

1543           C. When a hearing and decision has occurred (~~pursuant to Section 25.32.080~~) and the  
1544 examiner's recommendation with regard to disposition of a proposed development pursuant to  
1545 Titles 20 and 21A of this code requires King County council action, the final decision of the  
1546 county pursuant to this title shall be effective on the date of filing as defined in RCW 90.58.140  
1547 for the purposes of appeal as provided in RCW 90.50.140. However, no development may occur  
1548 until the King County council has taken final action on the examiner's recommendation required  
1549 by Titles 20 and/or 21A of this code. (Ord. 12196 § 62, 1996: Ord. 3688 § 810, 1978).

1550           SECTION 69. K.C.C. 25.08.030, as amended by this ordinance, is hereby recodified as a  
1551 new section in K.C.C. chapter 21A.06.

1552           SECTION 70. Ordinance 6511, Section 1, as amended, and K.C.C. 25.08.030 are each  
1553 hereby amended to read as follows:

1554           (~~(Aquatic resource practices. "Aquatic resource practices" means)~~) **Aquaculture.**  
1555 Aquaculture: the culture or farming of fin fish, shellfish, algae or other aquatic plants or animals  
1556 in fresh or marine waters.

1557           Excluded from the definition of (~~(aquatic resource practices are related commercial or~~  
1558 ~~industrial uses such as)~~) aquaculture is wholesale or retail sales; or final processing, packing, or  
1559 freezing. Aquaculture does not include the harvest of free-swimming fish or the harvest of  
1560 shellfish not artificially planted or maintained, including the harvest of wildstock geoduck on

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1561 DNR managed lands.

1562 NEW SECTION. SECTION 71. There is hereby added to K.C.C. chapter 21A.06 a new  
1563 section to read as follows:

1564 **Aquaculture facility.** Aquaculture facility: infrastructure installed waterward of the  
1565 ordinary high water mark for the purpose of conducting aquaculture and consisting of net pens,  
1566 mussel rafts or other structures. Floating buoys used for aquaculture are not generally  
1567 considered an aquaculture facility.

1568 SECTION 72. K.C.C. 25.08.090, as amended by this ordinance, is recodified as a new  
1569 section in K.C.C. chapter 21A.06.

1570 SECTION 73. Ordinance 3688, Section 208, and K.C.C. 25.08.090 are each hereby  
1571 amended to read as follows:

1572 **Breakwater.** ((~~"~~))Breakwater(~~("means"))~~): an off-shore structure either floating or not  
1573 which may or may not be connected to the shore, such structure being designated to absorb  
1574 (~~and~~) or reflect back into the water body the energy of the waves.

1575 SECTION 74. K.C.C. 25.08.100, as amended by this ordinance, is recodified as a new  
1576 section in K.C.C. chapter 21A.06.

1577 SECTION 75. Ordinance 3688, Section 209, and K.C.C. 25.08.100 are each hereby  
1578 amended to read as follows:

1579 **Bulkhead.** ((~~"~~))Bulkhead(~~("means"))~~): a solid or open pile wall of rock, concrete, steel or  
1580 timber or other materials or a combination of these materials erected generally parallel to and  
1581 near the ordinary high water mark for the purpose of protecting adjacent wetlands and uplands  
1582 from waves or currents.

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1583            SECTION 78. K.C.C. 25.08.175, as amended by this ordinance, is hereby recodified as a  
1584 new section in K.C.C. chapter 21A.06.

1585            SECTION 79. Ordinance 5734, Section 1, and K.C.C. 25.08.175 are each hereby amended  
1586 to read as follows:

1587            **Dredging.** ~~((("Dredging(("is));~~ the removal, displacement, ~~((and/))~~ or disposal of  
1588 unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the  
1589 bottom of water bodies, ditches, or natural wetlands; maintenance dredging and~~((/or))~~ support  
1590 activities are included in this definition.

1591            SECTION 80. K.C.C. 25.08.190, as amended by this ordinance, is hereby recodified as a  
1592 new section in K.C.C. chapter 21A.06.

1593            SECTION 81. Ordinance 3688, Section 218, and K.C.C. 25.08.190 are each hereby  
1594 amended to read as follows:

1595            **Environment, shoreline.** ~~((("Environment(("or "master program environment" or~~  
1596 ~~"shoreline environment" means)),~~ shoreline: the categories of shorelines of the state established by  
1597 the King County shoreline ~~((management))~~ master program to differentiate between areas whose  
1598 features imply differing objectives regarding their use and future development.

1599            SECTION 82. K.C.C. 25.08.200, as amended by this ordinance, is hereby recodified as a  
1600 new section in K.C.C. chapter 21A.06.

1601            SECTION 83. Ordinance 3688, Section 219, and K.C.C. 25.08.200 are each hereby  
1602 amended to read as follows:

1603            **Excavation.** ~~((("Excavation(("means));~~ the artificial movement of earth material.

1604            SECTION 84. K.C.C. 25.08.210, as amended by this ordinance, is hereby recodified as a  
1605 new section in K.C.C. chapter 21A.06.

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1606            SECTION 85. Ordinance 3688, Section 220, and K.C.C. 25.08.210 are each hereby  
1607 amended to read as follows:

1608            **Float.** ~~((("))Float((" means))~~; a structure or device ~~((which))~~that is not a breakwater and  
1609 ~~((which))~~that is moored, anchored, or otherwise secured in the waters of King County and  
1610 ~~((which))~~ is not connected to the shoreline.

1611            SECTION 86. K.C.C. 25.08.230, as amended by this ordinance, is hereby recodified as a  
1612 new section in K.C.C. chapter 21A.06.

1613            SECTION 87. Ordinance 3688, Section 222, and K.C.C. 25.08.230 are each hereby  
1614 amended to read as follows:

1615            **Groin.** ~~((("))Groin((" means))~~; a barrier type structure extending from the backshore into  
1616 the water across the beach. The purpose of a groin is to interrupt sediment movement along the  
1617 shore.

1618            SECTION 88. K.C.C. 25.08.250, as amended by this ordinance, is hereby recodified as a  
1619 new section in K.C.C. chapter 21A.06.

1620            SECTION 89. Ordinance 3688, Section 224, and K.C.C. 25.08.250 are each hereby  
1621 amended to read as follows:

1622            **Jetty.** ~~((("))Jetty((" means a))~~; an artificial barrier used to change the natural littoral drift to  
1623 protect inlet entrances from clogging by excess sediment.

1624            SECTION 90. K.C.C. 25.08.270, as amended by this ordinance, is hereby recodified as a  
1625 new section in K.C.C. chapter 21A.06.

1626            SECTION 91. Ordinance 3688, Section 226, and K.C.C. 25.08.270 are each hereby  
1627 amended to read as follows:

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1628           **Littoral drift.** ~~((=))~~Littoral drift(~~("—means"))~~; the natural movement of sediment along  
1629 marine or lake shorelines by wave breaker action in response to prevailing winds.

1630           SECTION 92. K.C.C. 25.08.290, as amended by this ordinance, is hereby recodified as a  
1631 new section in K.C.C. chapter 21A.06.

1632           SECTION 93. Ordinance 3688, Section 228, and K.C.C. 25.08.290 are each hereby  
1633 amended to read as follows:

1634           **Master program, shoreline.** ~~((=))~~Master program(~~("—means"))~~, shoreline: the  
1635 comprehensive shoreline use plan for King County consisting of:

1636           A. The ~~((use regulations and procedures contained in this title; and))~~ Shoreline Master Plan  
1637 containing goals and policies that guide environmental designations, shoreline protection, shoreline  
1638 use and shoreline modifications;

1639           B. Shoreline appendices consisting of the Shoreline Restoration Plan, Shoreline Public  
1640 Access Plan, Cumulative Impacts Analysis, Program Checklist and Public Involvement, and a  
1641 Technical Appendix that includes data and analytic methods used to develop King County's  
1642 Shoreline inventory; and

1643           ~~((B))~~C. The ~~((goals, objectives and policies of the King County shoreline management~~  
1644 ~~master program which are contained in a separate document and adopted by ordinance.))~~  
1645 development regulations contained in this Title.

1646           SECTION 94. K.C.C. 25.08.350, as amended by this ordinance, is hereby recodified as a  
1647 new section in K.C.C. chapter 21A.06.

1648           SECTION 95. Ordinance 3688, Section 233, and K.C.C. 25.08.350 are each hereby  
1649 amended to read as follows:

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1650           **Ordinary high water mark.** ~~((=))Ordinary high water mark((" means the ordinary high~~  
1651 ~~water mark as defined in RCW 90.58 as now or hereafter amended.)):~~ for purposes of the King  
1652 County shoreline management program, the elevation along the shoreline of a waterbody at which  
1653 water persists for a long enough time each year to leave a permanent mark, affect soil  
1654 characteristics, and affect the species of plants that can survive in that location.

1655           SECTION 96. K.C.C. 25.08.370, as amended by this ordinance, is hereby recodified as a  
1656 new section in K.C.C. chapter 21A.06.

1657           SECTION 97. Ordinance 3688, Section 234, and K.C.C. 25.08.370 are each hereby  
1658 amended to read as follows:

1659           **Pier or dock.** ~~((=))Pier((=)) or ((=))dock((" means)):~~ a structure built in or over, or floating  
1660 upon the water extending from the shore, which may be used as a landing place for marine  
1661 transport or for air or water craft or recreational activities.

1662           SECTION 98. K.C.C. 25.08.020, as amended by this ordinance, is hereby recodified as a  
1663 new section in K.C.C. chapter 21A.06.

1664           SECTION 99. Ordinance 3688, Section 201, and K.C.C. 25.08.020 are each hereby  
1665 amended to read as follows:

1666           **Public ((A))access.** ~~((A. ))Public ((A))access:(("Public access" means actual~~  
1667 ~~unobstructed access available to)) the ability of the general public ((from land to the ordinary  
1668 high water mark or to the wetland directly abutting the ordinary high water mark)) to reach,~~  
1669 touch and enjoy the water's edge from adjacent locations.

1670           ~~((B. Limited Public Access. "Limited public access" means:~~

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1671           1. ~~Actual physical access from land to the ordinary high water mark or to the wetland~~  
1672 ~~directly abutting the ordinary high water mark, such access being limited to specific groups of~~  
1673 ~~people or to certain regularly prescribed times; or~~

1674           2. ~~Visual access available to the general public to the shoreline and adjacent waterbody,~~  
1675 ~~such access being specifically provided for in the development of the site.))~~

1676           NEW SECTION. SECTION 100. There is hereby added to K.C.C. chapter 21A.06 a  
1677 new section to read as follows:

1678           **Public access sites, formal.** Public access sites, formal: public access sites managed by  
1679 King County or other public agencies.

1680           NEW SECTION. SECTION 101. There is hereby added to K.C.C. chapter 21A.06 a  
1681 new section to read as follows:

1682           **Public access sites, informal.** Public access sites, informal: public access sites where  
1683 access is not formally developed or managed by King County or other public agencies and those  
1684 sites where public access is not specifically allowed.

1685           SECTION 102. K.C.C. 25.08.400, as amended by this ordinance, is hereby recodified as a  
1686 new section in K.C.C. chapter 21A.06.

1687           SECTION 103. Ordinance 3688, Section 237, and K.C.C. 25.08.400 are each hereby  
1688 amended to read as follows:

1689           **Redesignation.** ~~((=))~~Redesignation~~((= means))~~: a change in the shoreline environment  
1690 designation by the procedures provided in ~~((Chapter 25.32 of this title))~~ K.C.C. chapter 20.18.

1691           SECTION 104. K.C.C. 25.08.440, as amended by this ordinance, is hereby recodified as a  
1692 new section in K.C.C. chapter 21A.06.

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1693            SECTION 105. Ordinance 3688, Section 242, and K.C.C. 25.08.440 are each hereby  
1694 amended to read as follows:

1695            **Sediment.** ~~((("Sediment(("is))~~; material settled from suspension in a liquid medium.

1696            NEW SECTION. SECTION 106. There is hereby added to K.C.C. chapter 21A.06 a new  
1697 section to read as follows:

1698            **Shorelands.** Shorelands: areas landward of the ordinary high water mark along shorelines  
1699 extending landward two hundred feet, and also including:

1700            A. The King County zero-rise floodway,

1701            B. All associated wetlands, and

1702            C. All river deltas.

1703            SECTION 107. K.C.C. 25.08.460, as amended by this ordinance, is hereby recodified as a  
1704 new section in K.C.C. chapter 21A.06.

1705            SECTION 108. Ordinance 3688, Section 247, and K.C.C. 25.08.460 are each hereby  
1706 amended to read as follows:

1707            **Shoreline ~~((management)) conditional use.~~ ~~((("Shoreline ((management)) conditional~~  
1708 ~~use((" or "shoreline conditional use" means))~~; a shoreline use ~~((specifically designated as a~~  
1709 ~~shoreline conditional use in the shoreline management master program))~~ that is allowed only if it  
1710 meets the criteria established in section 134 of this ordinance and is subject to conditions of  
1711 approval.**

1712            NEW SECTION. SECTION 109. There is hereby added to K.C.C. chapter 21A.06 a new  
1713 section to read as follows:

1714            **Shoreline jurisdiction.** Shoreline jurisdiction: shorelines and shorelands in  
1715 unincorporated King County.

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1716            SECTION 110. K.C.C. 25.08.480, as amended by this ordinance, is hereby recodified as a  
1717 new section in K.C.C. chapter 21A.06.

1718            SECTION 111. Ordinance 3688, Section 251, and K.C.C. 25.08.480 are each hereby  
1719 amended to read as follows:

1720            **Shoreline protection.** (")Shoreline protection ("means)): a structure or device,  
1721 including but not limited to breakwaters, bulkheads, jetties, groins and riprap, which is placed so as  
1722 to prevent erosion or to alter the normal currents, wave actions or other natural forces or actions of  
1723 a waterbody.

1724            SECTION 112. K.C.C. 25.08.470, as amended by this ordinance, is hereby recodified as a  
1725 new section in K.C.C. chapter 21A.06.

1726            SECTION 113. Ordinance 3688, Section 248, and K.C.C. 25.08.470 are each hereby  
1727 amended to read as follows:

1728            **Shoreline ((management)) variance.** (")Shoreline ((management)) variance(("means)): ~~an~~  
1729 ~~adjustment in the application of the regulations of the shoreline management master program~~  
1730 ~~consistent with WAC 173-14.~~

1731            SECTION 114. K.C.C. 25.08.490, as amended by this ordinance, is hereby recodified as a  
1732 new section in K.C.C. chapter 21A.06.

1733            SECTION 115. Ordinance 3688, Section 246, and K.C.C. 25.08.490 are each hereby  
1734 amended to read as follows:

1735            **Shorelines.** (")Shorelines(("means)): ~~all ((of the water areas within the unincorporated~~  
1736 ~~portion of King County, including reservoirs, and their associated wetlands together with the lands~~  
1737 ~~underlying them; except:~~

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1738 ~~———— A. Shorelines on segments of streams upstream of a point where the mean annual flow is~~  
1739 ~~twenty cubic feet per second or less and the wetlands associated with such upstream segments;~~

1740 ~~———— B. Shorelines on lakes less than twenty acres in size and wetlands associated with such~~  
1741 ~~lakes)) marine shoreline, lakes greater than 20 acres, and rivers and streams with a minimum of~~  
1742 ~~twenty cubic feet per second mean annual flow.~~

1743         SECTION 116. K.C.C. 25.08.510, as amended by this ordinance, is hereby recodified as a  
1744 new section in K.C.C. chapter 21A.06.

1745         SECTION 117. Ordinance 3688, Section 249, and K.C.C. 25.08.510 are each hereby  
1746 amended to read as follows:

1747         **Shorelines of statewide significance.** ((<sup>1</sup>))Shorelines of statewide significance((<sup>1</sup>—means));  
1748 those shorelines described in RCW 90.58.030(2)(e) ((<sup>1</sup>which)) that are within the unincorporated  
1749 portion of King County.

1750         SECTION 118. K.C.C. 25.08.520, as amended by this ordinance, is hereby recodified as a  
1751 new section in K.C.C. chapter 21A.06.

1752         SECTION 119. Ordinance 3688, Section 250, and K.C.C. 25.08.520 are each hereby  
1753 amended to read as follows:

1754         **Shorelines of the state.** ((<sup>1</sup>))Shorelines of the state((<sup>1</sup>—are)); the total of all  
1755 ((<sup>1</sup>))shorelines((<sup>1</sup>)) and ((<sup>1</sup>))shorelines of statewide significance((<sup>1</sup>)) within unincorporated King  
1756 County.

1757         SECTION 120. K.C.C. 25.08.570, as amended by this ordinance, is hereby recodified as a  
1758 new section in K.C.C. chapter 21A.06.

1759         SECTION 121. Ordinance 3688, Section 255, and K.C.C. 25.08.570 are each hereby  
1760 amended to read as follows:

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1761           **Substantial development.** ~~((=))~~Substantial development~~((="means"))~~: any development  
1762 ~~((which))~~ that requires a shoreline management substantial development permit, as defined in  
1763 RCW 90.58.030(3)(e) as now or hereafter amended.

1764           SECTION 122. K.C.C. 25.08.590, as amended by this ordinance, is hereby recodified as a  
1765 new section in K.C.C. chapter 21A.06.

1766           SECTION 123. Ordinance 3688, Section 257, and K.C.C. 25.08.590 are each hereby  
1767 amended to read as follows:

1768           **Water dependent use.** ~~((=))~~Water dependent use~~((="or "water dependent development"~~  
1769 ~~means))~~: a ~~((principal))~~ use or portion of a use which ~~((can only))~~ cannot exist ~~((where the~~  
1770 ~~landwater interface provides biological or physical conditions necessary for the use))~~ in a location  
1771 that is not adjacent to the water and which is dependent on the water by reason of the intrinsic  
1772 nature of its operations.

1773           NEW SECTION. SECTION 124. There is hereby added to K.C.C. chapter 21A.06 a new  
1774 section to read as follows:

1775           **Water-enjoyment use.** Water enjoyment use: a recreational use or other use that  
1776 facilitates public access to the shoreline as a primary characteristic of the use; or a use that  
1777 provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of  
1778 people as a general characteristic of the use and which through location, design, and operation  
1779 ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order  
1780 to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-  
1781 oriented space within the project must be devoted to the specific aspects of the use that fosters  
1782 shoreline enjoyment.

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1783           NEW SECTION. SECTION 125. There is hereby added to K.C.C. chapter 21A.06 a new  
1784 section to read as follows:

1785           **Water-oriented use.** Water-oriented use: a use that is water-dependent, water-related, or  
1786 water-enjoyment, or a combination of such uses.

1787           SECTION 126. K.C.C. 25.08.600, as amended by this ordinance, is hereby recodified as a  
1788 new section in K.C.C. chapter 21A.06.

1789           SECTION 127. Ordinance 3688, Section 258, and K.C.C. 25.08.600 are each hereby  
1790 amended to read as follows:

1791           **Water related use.** ~~((<sup>(=)</sup>)Water related use((~~"or "water related development" means~~)): a~~  
1792 ~~((principal)) use or portion of a use which is not intrinsically dependent on a waterfront location~~  
1793 ~~((abutting the ordinary high water mark but which)) but whose economic viability is dependent~~  
1794 upon a waterfront location because:

1795           A. ~~((Promotes the public's enjoyment of or access to the water)) The use has a functional~~  
1796 requirement for a waterfront location such as the arrival or shipment of materials by water or he  
1797 need for large quantities of water; or

1798           B. ~~((Gains a cost savings or revenue differentiating advantage, which is not associated~~  
1799 ~~with land rents or costs, from being located within the shorelines of the state that could not be~~  
1800 ~~obtained at an upland location; such uses include but are not limited to residential development,~~  
1801 ~~boat sales or restaurants)) The use provides a necessary service supportive of the water-~~  
1802 dependent uses and the proximity of the use to its customers makes its services less expensive or  
1803 more convenient, or both.

1804           NEW SECTION. SECTION 128. There is hereby added a new section to K.C.C.  
1805 chapter 21A.08 to read as follows:

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1806           **Shoreline uses.** The permitted land uses allowed in this chapter are allowed within the  
1807 shoreline jurisdiction except as amended by section 34 of this ordinance.

1808           NEW SECTION. SECTION 129. There is hereby added a new section to K.C.C.  
1809 chapter 21A.12 to read as follows:

1810           **Shoreline density and dimensions.** The density and dimensions established in this  
1811 chapter apply within the shoreline jurisdiction except as amended by section 49 of this  
1812 ordinance.

1813           SECTION 130. Ordinance 13130, Section 3, and K.C.C. 21A.32.045 are each hereby  
1814 amended to read as follows:

1815           **Nonconformance - Re-establishment of discontinued nonconforming use, or**  
1816 **damaged or destroyed nonconforming structure or site improvement.** A nonconforming use  
1817 which has been discontinued or a nonconforming structure or site improvement which has been  
1818 damaged or destroyed, may be re-established or reconstructed if:

1819           A. The nonconforming use, structure, or site improvement which previously existed is  
1820 not expanded;

1821           B. A new nonconformance is not created; (~~and~~)

1822           C. The use has not been discontinued for more than twelve months prior to its re-  
1823 establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a  
1824 complete permit application submitted to the department within twelve months of the occurrence  
1825 of damage or destruction, and

1826           D. A nonconforming use, structure or site improvement located within the shoreline  
1827 jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at

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1828 present or at the time of its destruction may be reconstructed only insofar as it is consistent with  
1829 existing regulations.

1830         SECTION 135. Ordinance 10870, Section 631, and K.C.C. 21A.50.030 are each hereby  
1831 amended to read as follows:

1832         **Violations defined.** No building permit or land use approval in conflict with the  
1833 provisions of this title shall be issued. Structures or uses which do not conform to this title,  
1834 except legal nonconformances specified in K.C.C. 21A.32 and approved variances, are violations  
1835 subject to the enforcement, penalty and abatement provisions of Title 23, including but not  
1836 limited to:

1837             A. Establishing a use not permitted in the zone in which it is located;

1838             B. Constructing, expanding or placing a structure in violation of setback, height and  
1839 other dimensional standards in this title;

1840             C. Establishing a permitted use without complying with applicable development  
1841 standards set forth in other titles, ordinances, rules or other laws, including but not limited to,  
1842 road construction, surface water management, the Fire Code, and rules of the department of  
1843 public health;

1844             D. Failing to carry out or observe conditions of land use or permit approval, including  
1845 contract development standards;

1846             E. Failing to secure required land use or permit approval prior to establishing a permitted  
1847 use; ~~((and))~~

1848             F. Failing to maintain site improvements, such as landscaping, parking or drainage  
1849 control facilities as required by this code or other King County ordinances; and

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1850           G. Undertaking any development on the shorelines of the state without first obtaining a  
1851 substantial development permit, statement of exemption, or an exempt activity that is not in  
1852 compliance with the policy of RCW 90.58.020. chapter 173-26 WAC and the King County  
1853 shoreline master program.

1854           NEW SECTION. SECTION 136. There is hereby added a new section to K.C.C. chapter  
1855 7.02 to read as follows.

1856           **Relationship to growth management act.** K.C.C. Title 7, Parks and Recreation, is  
1857 adopted as development regulations pursuant to RCW 36.70A, Growth Management Act.

1858           NEW SECTION. SECTION 137. There is hereby added a new section to K.C.C. 23.02  
1859 to read as follows.

1860           **Relationship to growth management act.** K.C.C. Title 23, Code Compliance, is  
1861 adopted as development regulations pursuant to RCW 36.70A, Growth Management Act.

1862           SECTION 74. A. Ordinance 3688, Section 102, and K.C.C. 25.04.020 are each hereby  
1863 repealed.

1864           B. Ordinance 11611, Section 1, and K.C.C. 25.04.025 are each hereby repealed.

1865           C. Ordinance 3688, Section 106, and K.C.C. 25.04.060 are each hereby repealed.

1866           D. Ordinance 12196, Section 58, as amended, and K.C.C. 25.08.015 are each hereby  
1867 repealed.

1868           E. Ordinance 3699, Section 203, and K.C.C. 25.08.040 are each hereby repealed.

1869           F. Ordinance 3688, Section 207, and K.C.C. 25.08.080 are each hereby repealed.

1870           G. Ordinance 3688, Section 210, and K.C.C. 25.08.110 are each hereby repealed.

1871           H. Ordinance 3688, Section 211, and K.C.C. 25.08.120 are each hereby repealed.

1872           I. Ordinance 3688, Section 212, and K.C.C. 25.08.130 are each hereby repealed.

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- 1873 J. Ordinance 3688, Section 213, and K.C.C. 25.08.140 are each hereby repealed.
- 1874 K. Ordinance 13687, Section 1, as amended, and K.C.C. 25.08.150 are each hereby  
1875 repealed.
- 1876 L. Ordinance 3688, Section 216, and K.C.C. 25.08.170 are each hereby repealed.
- 1877 M. Ordinance 3688, Section 223, and K.C.C. 25.08.240 are each hereby repealed.
- 1878 N. Ordinance 3688, Section 225, and K.C.C. 25.08.260 are each hereby repealed.
- 1879 O. Ordinance 3688, Section 227, and K.C.C. 25.08.280 are each hereby repealed.
- 1880 P. Ordinance 5734, Section 1, and K.C.C. 25.08.285 are each hereby repealed.
- 1881 Q. Ordinance 3688, Section 229, and K.C.C. 25.08.310 are each hereby repealed.
- 1882 R. Ordinance 3688, Section 230, and K.C.C. 25.08.320 are each hereby repealed.
- 1883 S. Ordinance 3688, Section 231, and K.C.C. 25.08.330 are each hereby repealed.
- 1884 T. Ordinance 3688, Section 232, and K.C.C. 25.08.340 are each hereby repealed.
- 1885 U. Ordinance 3688, Section 233, and K.C.C. 25.08.350 are each hereby repealed.
- 1886 V. Ordinance 3688, Section 235, and K.C.C. 25.08.360 are each hereby repealed.
- 1887 W. Ordinance 3688, Section 238, and K.C.C. 25.08.390 are each hereby repealed.
- 1888 X. Ordinance 3688, Section 239, and K.C.C. 25.08.410 are each hereby repealed.
- 1889 Y. Ordinance 3688, Section 240, and K.C.C. 25.08.420 are each hereby repealed.
- 1890 Z. Ordinance 3688, Section 243, and K.C.C. 25.08.450 are each hereby repealed.
- 1891 AA. Ordinance 3688, Section 252, and K.C.C. 25.08.500 are each hereby repealed.
- 1892 BB. Ordinance 3688, Section 245, and K.C.C. 25.08.540 are each hereby repealed.
- 1893 CC. Ordinance 3688, Section 253, and K.C.C. 25.08.550 are each hereby repealed.
- 1894 DD. Ordinance 3688, Section 254, and K.C.C. 25.08.560 are each hereby repealed.
- 1895 EE. Ordinance 5734, Section 1, and K.C.C. 25.08.565 are each hereby repealed.

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- 1896 FF. Ordinance 3688, Section 256, and K.C.C. 25.08.580 are each hereby repealed.
- 1897 GG. Ordinance 12750, Section 1, and K.C.C. 25.08.604 are each hereby repealed.
- 1898 HH. Ordinance 3688, Section 259, and K.C.C. 25.08.610 are each hereby repealed.
- 1899 II. Ordinance 3688, Section 304, and K.C.C. 25.12.040 are each hereby repealed.
- 1900 JJ. Ordinance 3688, Section 409(5), as amended, and K.C.C. 25.16.130 are each hereby
- 1901 repealed.
- 1902 KK. Ordinance 3688, Section 409(6), as amended, and K.C.C. 25.16.140 are each hereby
- 1903 repealed.
- 1904 LL. Ordinance 3688, Section 404, and K.C.C. 25.16.040 are each hereby repealed.
- 1905 MM. Ordinance 3688, Section 808, and K.C.C. 25.32.080 are each hereby repealed.
- 1906 NN. Ordinance 3688, Section 809, and K.C.C. 25.32.090 are each hereby repealed.
- 1907 OO. Ordinance 3688, Section 811, as amended, and K.C.C. 25.32.110 are each hereby
- 1908 repealed.
- 1909 PP. Ordinance 3688, Section 812, as amended, and K.C.C. 25.32.120 are each hereby
- 1910 repealed.