

**PROPOSED ORDINANCE 2017-0244 – SHORELINE CODE UPDATES  
AS TRANSMITTED BY EXECUTIVE + DRAFT STRIKING AMENDMENT**

Section	Code Section	Transmitted Ordinance	With Amendment	Substantive Change (with Amendment)
1	20.12.200	Establishes the adopted laws that comprise the Shoreline Master Program, to include Chapter 6 of the KCCP, K.C.C. Chapter 21A.25, and Chapter 21A.24 (except for reasonable use, procedural, permitting, appeal and enforcement provisions)	<p>Establishes the adopted laws the comprise the Shoreline Master Program to include Chapter 6 of the KCCP, K.C.C. Chapter 21A.25, and portions of K.C.C. 21A.24 (the same sections as today, but it's being consolidated into one section.</p> <p>Uses the clerk's standard language on the effective date.</p> <p>K.C.C. 20.12.205 is being repealed later in the ordinance. There is language in that section, about how updates to the SMP are approved by DOE before they are effective, that provides direction to the Clerk's office on how to treat these Ordinances. That language is being moved to this section.</p> <p>Updates TrEE to new PRE committee.</p> <p><b>Waiting on Devon question</b></p>	No.
2	21A.06.738	Not included in transmitted ordinance.	Modifies definition of shoreline master program to correct citations.	No.
Was 2 Now 3	21A.06.913	Modifies definition of public access. Changes it from "reach, touch and enjoy" to "reach, touch or enjoy" the water's edge.	No change.	<p>This change is proposed for those properties/developments that do not have direct frontage on the shoreline, but are still within the shoreline jurisdiction. They could and have been providing visual access to the water.</p> <p>2016 KCCP Chapter 6 Consistency: Policies S-205, S-302, S-306, S-313, S-503, S-510, S-535, S-729, S-735,</p>

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				<p>S-736, S-754, S-756 all relate to public access. This change is generally consistent with these policies. The definition change does not change the development regulation requirement to provide physical or visual access, it allows an option to not require physical access if it is practically impossible.</p> <p>This change is consistent with S-303, which allows for arrange of public access to the shoreline, S-305, which has limitations on requiring public access (such as when there are legal limitations), S-505 regarding access in the High Intensity Shoreline Environment</p>
Was 3 Now 4	21A.06.1082A	Modifies definition of shoreline conditional use to correct a citation	Drafting: remove * and the period should not be in the strikethrough.	No.
Was 4 Now 5	21A.06.1285	Modifies definition of trails to include elevated boardwalks, bridges and stairs	No change	<p>This change would allow elevated boardwalks, bridges and stairs to be included in the definition of trails.</p> <p>2016 KCCP Chapter 6 Consistency: Policy S-757 addresses circulation system planning for non-motorized users. This change is consistent with this policy, as it would allow elevated structures to serve as a trail, thereby reducing the impact of the facility on the shoreline.</p>
5	21A.24.020	Modifies the applicability section of the critical area	Removed from Proposed Ordinance. This language was put into Section 1 instead.	n/a

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		code, to clarify that K.C.C. chapter 21A.25 applies to critical areas within the shoreline jurisdiction, except certain sections do not. The excluded sections are reasonable use exceptions, procedural, permitting, and enforcement sections.		
Was 6 Now 7	21A.06.1385	Not included in transmitted ordinance.  (It was transmitted in the non-shoreline code omnibus, but since it relates direction to the shoreline code, it is proposed to be added to this ordinance.)	Modifies definition of water dependent use to add uses that cannot exist in a location that is not adjacent to the water.	In addition to uses that are “dependent on” the water, uses that need to be located adjacent to the water would also be considered water dependent uses.  2016 KCCP Chapter 6 Consistency: This change is consistent with the language in Chapter 6, Section D.5..
Was 6 Now 7	21A.24.045	Makes two changes to the permitted alterations table for critical areas:  DC# 2: modifies 2.e., to add “site” before alteration and remove the phrase “of a development footprint”  DC#2 applies to the construction of new single family residences in aquatic areas and buffer and severe channel migration areas. Further, it only applies to lots that existed before 2005, in the buffer of a lake 20 acres	Reformats the table to address issues with Council’s legislation database.	The change to DC#2 appears to have the same policy intent as existing code.

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		<p>or larger.</p> <p>Modifies DC# 56.c., to add a criteria that the farm pad must be in conformance with an approved farm management plan.</p> <p>DC#56 applies to construction or maintenance of livestock manure storage facilities, livestock heavy use area, or a farm pad; within wetland and buffers and within aquatic areas and buffer and severe channel migration areas.</p>	<p>Modifies DC#56 to make it clear that there are three allowances for construction or maintenance of livestock manure storage facilities, livestock heavy use area, or a farm pad</p>	<p>Adds a criteria for a farm pad to conform with a farm management plan in order to be approved within wetland and buffers and within aquatic areas and buffer and severe channel migration areas.</p> <p>2016 KCCP Chapter 6 Consistency: Farm pads are already allowed within the shoreline zone. This change would add a criteria that they be consistent with a farm management plan.</p>
<p>Was 7 Now 8</p>	21A.24.070	<p>Modifies section on alteration exceptions and reasonable use provisions to:</p> <p>At A.3., 3.c.: correct a citation</p> <p>At A.3.e.: modifies the criteria for nonlinear alterations, for dwelling units, to say that the building setback line is measured from the building footprint to the edge of the site disturbance</p> <p>At A.3.i.: modifies the criteria for nonlinear alterations, for flood elevation or dry flood proofing</p>	<p>Makes the language in 3.e. a complete sentence.</p> <p>Removes the change at A.3.i. as the underlying code is correct. Also corrects a citation in this subsection.</p>	<p>Clarifies where a building setback will be measured from in the case where the site disturbance is within a buffer.</p> <p>2016 KCCP Chapter 6 Consistency: Policy S-311 requires the County to protect shoreline critical areas. This change would clarify that a structure cannot intrude further into a buffer and that the standard setbacks are measured from the edge of the site disturbance, not the property line.</p>

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		At B.1.d.: modifies the criteria for reasonable use provisions, for dwelling units, to say that the building setback line is measured from the building footprint to the edge of the site disturbance	Removes change to B.1.d. as this is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	
8	21A.24.072	Modifies section on alternative alteration exceptions for SFR to change reference from “rural stewardship plan or forest stewardship plan” to “stewardship plan”.	This section was removed from the ordinance. This section of code is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	n/a
9	21A.24.170	Modifies section on notice of critical areas to add allowance for recording a critical area designation issued by DPER, rather than going through a separate notice on title process.	This section was removed from the ordinance. This section of code is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	n/a
Was 10 Now 9	21A.24.200	Modifies the section on building setbacks in the critical area code to say that if a building is within a buffer, the setback line is measured from the building.	Modifies the language to make it a complete sentence.	Makes a similar change as in Section 7, to clarify where a building setback will be measured from in the case where the site disturbance is within a buffer.  2016 KCCP Chapter 6 Consistency: Policy S-311 requires the County to protect shoreline critical areas. This change would clarify that a structure cannot intrude further into a buffer and that the standard setbacks are measured from the edge of the site

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				disturbance, not the property line.
11	21A.24.500	<p>Modifies the section on critical area designations. Modifies the language to:</p> <ul style="list-style-type: none"> <li>• Simplify the language on critical areas that cover a portion of the site.</li> <li>• Add language that the determination must include the location, classification and buffers of the critical area</li> <li>• Add language on when a designation would no longer be valid within the 5 year period, by definition what would be included in a “change in site conditions” to include actions on the property or updates to mapping for critical hazard areas</li> </ul>	This section was removed from the ordinance. This section of code is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	n/a
12	21A.24.550	<p>Modifies the section on consolidated review for SFR in the critical area code. Requires DPER to identify “an area” where clearing and improvements are allowed. This language is changed from “a development footprint”.</p>	This section was removed from the ordinance. This section of code is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	n/a

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Was 13 Now 10	21A.25.020	Modifies definition section of shoreline code to add a citation and to add language that other definitions of the K.C.C. apply where applicable and where they don't conflict with Title 21A, and state shoreline law.	Simplified language to avoid repetition.	Clarifies that definitions adopted by the K.C.C. will apply in the shoreline code (this could include Title 9, Title 15-17, Title 19A).  2016 KCCP Chapter 6 Consistency: Policy S-405 states that the SMP will rely on King County's existing regulations. This change is consistent with this policy.
Was 14 Now 11	21A.25.050	Modifies section on shoreline jurisdiction to remove from shoreline jurisdiction "contiguous floodplain areas landward 200 feet from the 100 year floodplain". The 100 year floodplain remains within shoreline jurisdiction plus 200 feet from the edge of the floodplain. This is duplicative language.	Corrects drafting errors. Corrects reference to Shoreline Chapter of the KCCP.	No policy change. This removes duplicative language.  2016 KCCP Chapter 6 Consistency: Shorelands is defined as: "Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter."  This change does not remove any lands from within the shoreline jurisdiction.
12	21A.25.060	Not included in transmitted ordinance.	Corrects reference to Shoreline Chapter of the KCCP.	No.
Was 15	21A.25.160	Modifies section on shoreline	Reformatted table to address Council's	For flood protection facilities, adds an

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Now 13		<p>modification to</p> <ul style="list-style-type: none"> <li>Remove “beach and dunes management” from the table, as these environments do not exist in King County.</li> <li>Modify the development condition for flood protection facilities (and adds allowance for modifications for flood protection facilities in the Natural environment) to require conformance with the County’s Flood plan and the state’s requirements for integrated streambank protection</li> </ul>	<p>legislation database.</p> <p>Clarifies that new flood protection facilities would only be allowed in the Natural Environment if consistent with the salmon recovery plan.</p>	<p>allowance to modify existing facilities that already exist in the Natural Environment, and an allowance to add new facilities if consistent with the salmon recovery plan.</p> <p>2016 KCCP Chapter 6 Consistency: The policies related directly to the Natural Environment designation (S-525 through S-533) do not address flood protection facilities specifically. Other policies (S-205, S-801) allow for reduction of flood hazards within the shoreline zone and have specific allowances for fill within the Ordinary High Water Mark (OHWM) for flood hazard reduction. Policy S-406 states that the SMP relies on the Flood Hazard Management Plan and associated flood hazard regulations to meet the SMA’s requirements for flood hazard reduction. This change would require compliance with the Flood Hazard Plan for any modifications of flood protection facilities within the Natural Environment.</p>
Was 16 Now 14	21A.25.180	<p>Modifies section on docks, etc., to:</p> <ul style="list-style-type: none"> <li>At end of G., l.6.: punctuation corrections</li> <li>At L.2., grammar correction</li> <li>At M., removes</li> </ul>	No changes	<p>Would remove a restriction on what is permitted waterward of the OHWM, to allow “other covered structures”. This could include a covered walkway/gangway. The change does not modify the other requirements in K.C.C. 21A.25.180 to site and design a dock within the shoreline zone.</p>



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		restriction on “other covered structures” being prohibited waterward of the OHWM		2016 KCCP Chapter 6 Consistency: Policies S-793 through S-798 address docks and piers directly. These policies (nor any others) do not directly address covered docks and piers. Other policies state when a dock or pier can be constructed, and require the minimum size necessary, joint use, mitigation, and non-toxic materials
Was 17 Now 15	21A.25.290	<p>Modifies section on shoreline permit requirements to:</p> <ul style="list-style-type: none"> <li>At B.2.: clarify language from “at or below” to “waterward” of the OHWM</li> <li>At F: fix previous drafting error</li> <li>At F.1.: drafting corrections</li> <li>At F.5.: add a criteria for when a statement of shoreline exemption is not required for federal Army Corps Section 10 or Section 404 permits</li> </ul>	Corrects drafting errors.	<p>Allows an outright exemption for agricultural ditch maintenance if required by federal water quality laws.</p> <p>2016 KCCP Chapter 6 Consistency: This existing exemption does not appear to be addressed in Chapter 6.</p>
Was 18 Now 16	21A.25.300	Modifies section on permit sequencing to say that other non-shoreline permits may be needed, and those permits may not be granted until	No changes.	<p>Clarifies that other permits besides a shoreline permit may be required.</p> <p>2016 KCCP Chapter 6 Consistency:</p>

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		shoreline approval has been granted.		Policy S-405 states that the SMP will rely on King County's existing regulations. This change is consistent with this policy.
Was 19 Now 17	21A.25.310	Modifies section on nonconforming uses to include "modification, re-establishment", for the types of uses that require review.	Corrects drafting errors	Allows for modification and re-establishment of uses that are non-conforming for the shoreline code.  2016 KCCP Chapter 6 Consistency: Nonconformances do not appear to be addressed in Chapter 6.
Was 20 Now 18	21A.44.100	Modifies section on criteria for shoreline conditional use permit to correct K.C.C. citations	No changes	No
Was 21 Now 19	20.12.205	Repeals section of code that says which K.C.C. sections are part of the SMP and which do not apply within the shoreline zone until approved by DOE. It includes sections in 20.18, 20.22, 21A.06, 21A.32 and 21A.50 that would not be included in the SMP in the future.	No changes.	Most of the language was moved to Section 1 of the Proposed Ordinance. Sections that were not moved are either procedural or are definitions.
22	21A.06.513	Repeal definition of development footprint. The only two places it is used in the code would also be amended.	This section was removed from the ordinance. This section of code is not part of the Shoreline Master Program and will need to be changed as part of a non-shoreline omnibus.	n/a
Was 23 Now 20	n/a	Requires approval by DOE (required by state law)	Revised language to use Clerk recommended language	No.
21	n/a	Not included in transmitted ordinance	Specifies that the ordinance is not effective in the shoreline jurisdiction until after DOE	No.

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			approval.	
Was 24 Now 22	n/a	Severability	Corrected language	No.