

REDLINE – FOR ILLUSTRATIVE PURPOSES ONLY

Date Created:	
Drafted by:	
Sponsors:	
Attachments:	None

1 ..Title

2 AN ORDINANCE relating to permitting and zoning;

3 amending Ordinance 3692, Section 2, as amended, and K.C.C

4 20.12.200, Ordinance 3688, Section 201, as amended, and

5 K.C.C. 21A.06.913, Ordinance 3688, Section 247, as

6 amended, and K.C.C. 21A.06.1082A, Ordinance 10870,

7 Section 297, as amended, and K.C.C. 21A.06.1285,

8 Ordinance 10870, Section 449, as amended, and K.C.C.

9 21A.24.020, Ordinance 15051, Section 137, as amended, and

10 K.C.C. 21A.24.045, Ordinance 10870, Section 454, as

11 amended, and K.C.C. 21A.24.070, Ordinance 17539,

12 Section 47, and K.C.C. 21A.24.072, Ordinance 10870,

13 Section 464, as amended, and K.C.C. 21A.24.170,

14 Ordinance 10870, Section 467, as amended, and K.C.C.

15 21A.24.200, Ordinance 14187, Section 1, as amended, and

16 K.C.C. 21A.24.500, Ordinance 15051, Section 234, as

17 amended, and K.C.C. 21A.24.550, Ordinance 3688,

18 Chapter 2 (part), as amended, and K.C.C. 21A.25.020,

19 Ordinance 3688, Section 303, as amended, and K.C.C.

20 21A.25.050, Ordinance 16985, Section 39, as amended, and

21 K.C.C. 21A.25.160, Ordinance 3688, Section 409(4), as

22 amended, and K.C.C. 21A.25.180, Ordinance 3688, Section

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23 801, as amended, and K.C.C. 21A.25.290, Ordinance 3688,
24 Section 802, as amended, and K.C.C. 21A.25.300, Ordinance
25 3688, Section 806, as amended, and K.C.C. 21A.-25.310,
26 Ordinance 3688, Section 805, as amended, and K.C.C
27 21A.44.100 and repealing Ordinance 16985, Section 4, as
28 amended, and K.C.C. 20.12.205 and Ordinance 15051,
29 Section 57, as amended and K.C.C. 21A.06.513.

30 ..Body

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

34 A. The King County shoreline master program consists of the following

35 ~~((elements)) documents in effect on April 3, 2017 the effective date of this ordinance:~~

36 ~~((A-)) 1.~~ The King ~~County~~ county ~~((shoreline management goals, and policies in~~
37 ~~chapter 5 of the King County Comprehensive Plan. The shoreline management goals and~~
38 ~~policies constitute the official policy of King County regarding areas of the county subject~~
39 ~~to shoreline management jurisdiction under RCW chapter 90.58; and)) Comprehensive~~
40 Plan chapter six;

41 ~~((B. The King County Code sections identified in K.C.C. 20.12.205)) 2.~~ K.C.C.
42 chapter 21A.25;

43 ~~3. K.C.C. chapter 21A.24, except that the reasonable use, procedural, permitting,~~
44 ~~appeal and enforcement provisions of this chapter shall not apply within the shoreline~~
45 ~~jurisdiction~~ The following sections of K.C.C. chapter 21A.24:

46 a. K.C.C. 21A.24.045;

Commented [AE1]: Use clerk standard language on effective date.

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- 47 b. K.C.C. 21A.24.051;
- 48 c. K.C.C. 21A.24.055;
- 49 d. K.C.C. 21A.24.070.A.,D. and E.;
- 50 e. K.C.C. 21A.24.125;
- 51 f. K.C.C. 21A.24.130;
- 52 g. K.C.C. 21A.24.133;
- 53 h. K.C.C. 21A.24.200;
- 54 i. K.C.C. 21A.24.210;
- 55 j. K.C.C. 21A.24.220;
- 56 k. K.C.C. 21A.24.230;
- 57 l. K.C.C. 21A.24.240;
- 58 m. K.C.C. 21A.24.250;
- 59 n. K.C.C. 21A.24.260;
- 60 o. K.C.C. 21A.24.275;
- 61 p. K.C.C. 21A.24.280;
- 62 q. K.C.C. 21A.24.290;
- 63 r. K.C.C. 21A.24.300;
- 64 s. K.C.C. 21A.24.310;
- 65 t. K.C.C. 21A.24.316;
- 66 u. K.C.C. 21A.24.325;
- 67 v. K.C.C. 21A.24.335;
- 68 w. K.C.C. 21A.24.340;
- 69 x. K.C.C. 21A.24.358;

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70 ~~y. K.C.C. 21A.24.365;~~

71 ~~z. K.C.C. 21A.24.380;~~

72 ~~aa. K.C.C. 21A.24.382;~~

73 ~~bb. K.C.C. 21A.24.386;~~

74 ~~cc. K.C.C. 21A.24.388; and~~

75 ~~4. The following:~~

76 ~~a. K.C.C. 20.18.040;~~

77 ~~b. K.C.C. 20.18.050;~~

78 ~~c. K.C.C. 20.18.056;~~

79 ~~d. K.C.C. 20.18.057;~~

80 ~~e. K.C.C. 20.18.058;~~

81 ~~f. K.C.C. 20.22.160;~~

82 ~~g. K.C.C. 20.24.510;~~

83 ~~h. K.C.C. 21A.32.045;~~

84 ~~i. K.C.C. 21A.44.090;~~

85 ~~j. K.C.C. 21A.44.100; and~~

86 ~~k. K.C.C. 21A.50.030K.C.C. 21A.44.090 and K.C.C 21A.44.100.~~

Commented [AE2]: This language was taken from 20.12.205, which is being repealed as part of this ordinance.

87 B. The shoreline management goals and policies constitute the official policy of

88 King county regarding areas of the county subject to shoreline management jurisdiction

89 under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King Ceounty’s local

90 administrative, enforcement and permit review procedures shall conform to chapter 90.58

91 RCW but shall not be a part of the master program.

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92 C. Amendments to the shoreline master program do not apply to the shoreline
93 jurisdiction until approved by the Washington state Department of Ecology as provided in
94 RCW 90.58.090. The department of permitting and environmental review shall, within ten
95 days after the date of the Department of Ecology’s approval, file a copy of the Department
96 of Ecology’s approval, in the form of a paper copy and an electronic copy, with the clerk of
97 the council, who shall retain the paper copy and forward electronic copies to all
98 councilmembers, chief of staff, policy staff director and the lead staff of the planning, rural
99 service and environment committee, or its successor.

100 SECTION 2. Ordinance 3688, Section 228, as amended, and K.C.C. 21A.06.738
101 are each hereby amended to read as follows:

102 A. The King County shoreline management goals and policies, set forth in King
103 County Comprehensive Plan Chapter ((5))6, that guide environmental designations,
104 shoreline protection, shoreline use and shoreline modifications; and

105 B. The development regulations identified in K.C.C. ((20.12.205))20.12.200.

106 SECTION 23. Ordinance 3688, Section 201, as amended, and K.C.C. 21A.06.913
107 are each hereby amended to read as follows:

108 Public access: the ability of the general public to reach, touch ((and))or enjoy the
109 water's edge, to travel on the waters of the state and to view the water and the shoreline
110 from adjacent locations.

111 SECTION 34. Ordinance 3688, Section 247, as amended, and K.C.C.
112 21A.06.1082A are each hereby amended to read as follows:

Commented [AE3]: New committee

Commented [AE4]: This language was taken from 20.12.205, which is being repealed as part of this ordinance.

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113 Shoreline conditional use: a shoreline use that is allowed only if it meets the
114 criteria established in K.C.C. (~~25.32.050, as recodified by Ordinance 16985*, and is~~
115 ~~subject to conditions of approval.~~) 21A.44.100.

116 SECTION 45. Ordinance 10870, Section 297, as amended, and K.C.C.
117 21A.06.1285 are each hereby amended to read as follows:

118 Trails: human-made pathways, including elevated boardwalks, bridges and stairs,
119 designed and intended for use by pedestrians, bicyclists, equestrians(~~(s)~~) and other
120 nonmotorized recreational users.

Commented [AE5]: Engrossing gender neutral changes made by Ordinance 18683.

121 SECTION 56. Ordinance 10870, Section 317, as amended, and K.C.C.

122 21A.06.1385 are each hereby amended to read as follows:

123 Water dependent use: a use or portion of a use that cannot exist in a location that is
124 not adjacent to the water and is dependent on the water by reason of the intrinsic nature of
125 its operations.

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126 ~~Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are each hereby~~
127 ~~amended to read as follows:~~

128 ~~A. This chapter applies to all land uses in King County, and all persons within the~~
129 ~~county shall comply with this chapter. K.C.C. Chapter 21A.25 applies to critical areas~~
130 ~~within the shoreline jurisdiction, except the following sections which are not part of the~~
131 ~~shoreline master program:~~

132 ~~1. K.C.C. 21A.24.030;~~

133 ~~2. K.C.C. 21A.24.070.B and .C;~~

134 ~~3. K.C.C. 21A.24.072;~~

135 ~~4. K.C.C. 21A.24.090;~~

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136 ~~5. K.C.C. 21A.24.140;~~
137 ~~6. K.C.C. 21A.24.315;~~
138 ~~7. K.C.C. 21A.24.500;~~
139 ~~8. K.C.C. 21A.24.510;~~
140 ~~9. K.C.C. 21A.24.520;~~
141 ~~10. K.C.C. 21A.24.530;~~
142 ~~11. K.C.C. 21A.24.540;~~
143 ~~12. K.C.C. 21A.24.550; and~~
144 ~~13. K.C.C. 21A.24.560;~~
145 ~~B. King County shall not approve any permit or otherwise issue any authorization~~
146 ~~to alter the condition of any land, water or vegetation or to construct or alter any structure~~
147 ~~or improvement without first ensuring compliance with this chapter.~~
148 ~~C. Approval of a development proposal in accordance with this chapter does not~~
149 ~~discharge the obligation of the applicant to comply with this chapter.~~
150 ~~D. When any other chapter of the King County Code conflicts with this chapter or~~
151 ~~when the provisions of this chapter are in conflict, the provision that provides more~~
152 ~~protection to environmentally critical areas apply unless specifically provided otherwise in~~
153 ~~this chapter or unless the provision conflicts with federal or state laws or regulations.~~
154 ~~E. This chapter applies to all forest practices over which the county has jurisdiction~~
155 ~~under chapter 76.09 RCW and Title 222 WAC.~~
156 SECTION 67. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045
157 are each hereby amended to read as follows:

Commented [AE6]: Removed. This language was put into 20.12 instead.

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

- 161 1. Critical aquifer recharge area;
- 162 2. Coal mine hazard area;
- 163 3. Erosion hazard area;
- 164 4. Flood hazard area except in the severe channel migration hazard area;
- 165 5. Landslide hazard area under forty percent slope;
- 166 6. Seismic hazard area; and
- 167 7. Volcanic hazard areas.

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

- 173 1. Severe channel migration hazard area;
- 174 2. Landslide hazard area over forty percent slope;
- 175 3. Steep slope hazard area;
- 176 4. Wetland;
- 177 5. Aquatic area;
- 178 6. Wildlife habitat conservation area; and
- 179 7. Wildlife habitat network.

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Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29

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Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4

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Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54

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Other					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59				
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

- 186 D. The following alteration conditions apply:
- 187 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 188 limitations of subsection D.3. of this section.
- 189 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was
- 190 created before January 1, 2005, if:
- 191 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
- 192 seventy-five percent of the lake frontage, whichever constitutes the most developable lake
- 193 frontage, has existing density of four dwelling units per acre or more;
- 194 b. the development proposal, including mitigation required by this chapter, will
- 195 have the least adverse impact on the critical area;
- 196 c. existing native vegetation within the critical area buffer will remain
- 197 undisturbed except as necessary to accommodate the development proposal and required
- 198 building setbacks;
- 199 d. access is located to have the least adverse impact on the critical area and
- 200 critical area buffer;

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201 e. the site alteration is the minimum necessary to accommodate the development
202 proposal and in no case in excess ((of a development footprint)) of five thousand square
203 feet;

204 f. the alteration is no closer than:

205 (1) on site with a shoreline environment designation of high intensity or
206 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on
207 either side of the subject property, as measured from the ordinary high water mark of the
208 lake shoreline;

209 (2) on a site with a shoreline environment designation of rural, conservancy,
210 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots
211 on either side of the subject property, as measured from the ordinary high water mark the
212 lake shoreline; and

213 (3) on a site with a shoreline environment designation of natural, the greater of
214 one hundred feet or the average of the setbacks on adjacent lots on either side of the subject
215 property, as measured from the ordinary high water mark; and

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

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

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

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

223 c. the structure is either:

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- 224 (1) on or adjacent to existing nonresidential impervious surface areas,
225 additional impervious surface area is not created waterward of any existing impervious
226 surface areas and the area was not used for crop production;
- 227 (2) higher in elevation and no closer to the critical area than its existing
228 position; or
- 229 (3) at a location away from existing impervious surface areas that is determined
230 to be the optimum site in the farm management plan;
- 231 d. all best management practices associated with the structure specified in the
232 farm management plan are installed and maintained;
- 233 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
234 require the development of a farm management plan if required best management practices
235 are followed and the installation does not require clearing of critical areas or their buffers;
236 and
- 237 f. in a severe channel migration hazard area portion of an aquatic buffer only if:
- 238 (1) there is no feasible alternative location on-site;
- 239 (2) the structure is located where it is least subject to risk from channel
240 migration;
- 241 (3) the structure is not used to house animals or store hazardous substances; and
- 242 (4) the total footprint of all accessory structures within the severe channel
243 migration hazard area will not exceed the greater of one thousand square feet or two
244 percent of the severe channel migration hazard area on the site.

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- 245 4. No clearing, external construction or other disturbance in a wildlife habitat
246 conservation area is allowed during breeding seasons established under K.C.C.
247 21A.24.382.
- 248 5. Allowed for structures when:
- 249 a. the landslide hazard poses little or no risk of injury;
- 250 b. the risk of landsliding is low; and
- 251 c. there is not an expansion of the structure.
- 252 6. Within a severe channel migration hazard area allowed for:
- 253 a. existing legally established primary structures if:
- 254 (1) there is not an increase of the footprint of any existing structure; and
- 255 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 256 and
- 257 b. existing legally established accessory structures if:
- 258 (1) additions to the footprint will not make the total footprint of all existing
259 structures more than one-thousand square feet; and
- 260 (2) there is not an expansion of the footprint towards any source of channel
261 migration hazard, unless the applicant demonstrates that the location is less subject to risk
262 and has less impact on the critical area.
- 263 7. Allowed only in grazed wet meadows or the buffer or building setback outside
264 a severe channel migration hazard area if:
- 265 a. the expansion or replacement does not increase the footprint of a
266 nonresidential structure;

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

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

279 (3) the location of the expansion has the least adverse impact on the critical
280 area; and

281 (4) a comparable area of degraded buffer area shall be enhanced through
282 removal of nonnative plants and replacement with native vegetation in accordance with an
283 approved landscaping plan;

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

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

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289 e. The expansion of a residential structure in the buffer of a Type S aquatic area
290 that extends towards the ordinary high water mark requires a shoreline variance if:

291 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

292 (2) the expansion is between thirty-five and fifty feet of the ordinary high water
293 mark and the area of the expansion extending towards the ordinary high water mark is
294 greater than three hundred square feet.

295 8. Allowed upon another portion of an existing impervious surface outside a
296 severe channel migration hazard area if:

297 a. except as otherwise allowed under subsection D.7. of this section, the
298 structure is not located closer to the critical area;

299 b. except as otherwise allowed under subsection D.7. of this section, the existing
300 impervious surface within the critical area or buffer is not expanded; and

301 c. the degraded buffer area is enhanced through removal of nonnative plants and
302 replacement with native vegetation in accordance with an approved landscaping plan.

303 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or
304 its buffer or along a lake shoreline or its buffer where:

305 a. the vegetation where the alteration is proposed does not consist of dominant
306 native wetland herbaceous or woody vegetation six feet in width or greater and the lack of
307 this vegetation is not the result of any violation of law;

308 b. the wetland or lake shoreline is not a salmonid spawning area;

309 c. hazardous substances or toxic materials are not used; and

310 d. if located in a freshwater lake, the pier or dock conforms to the standards for
311 docks under K.C.C. 21A.25.180.

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- 312 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
313 materials are not used.
- 314 11. Allowed on type S or F aquatic areas outside of the severe channel migration
315 hazard area if in compliance with K.C.C. 21A.25.180.
- 316 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.
- 317 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
318 grading activity.
- 319 14. The following are allowed in the severe channel migration hazard area if
320 conducted more than one hundred sixty-five feet from the ordinary high water mark in the
321 rural area and natural resource lands and one-hundred fifteen feet from the ordinary high
322 water mark in the urban area:
- 323 a. grading of up to fifty cubic yards on lot less than five acres; and
- 324 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
325 percent of the severe channel migration hazard area.
- 326 15. Only where erosion or landsliding threatens a structure, utility facility,
327 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
328 practical, stabilization work does not disturb the slope and its vegetative cover and any
329 associated critical areas.
- 330 16. Allowed when performed by, at the direction of or authorized by a
331 government agency in accordance with regional road maintenance guidelines.
- 332 17. Allowed when not performed under the direction of a government agency
333 only if:

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

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

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

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

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

346 19. The limited trimming, pruning or removal of vegetation under a vegetation
347 management plan approved by the department:

348 a. in steep slope and landslide hazard areas, for the making and maintenance of
349 view corridors; and

350 b. in all critical areas for habitat enhancement, invasive species control or forest
351 management activities.

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

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

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

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356 b. within a wildlife network, cutting shall be in accordance with a management
357 plan approved under K.C.C. 21A.24.386; and

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

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

362 23. Allowed as follows:

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

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

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

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

372 (3) the cleared area is revegetated with native vegetation and stabilized against
373 erosion; and

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

375 24. Allowed to repair or replace existing on site wastewater disposal systems in
376 accordance with the applicable public health standards within Marine Recovery Areas
377 adopted by the Seattle King County board of health and:

378 a. there is no alternative location available with less impact on the critical area;

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- 379 b. impacts to the critical area are minimized to the maximum extent practicable;
- 380 c. the alterations will not subject the critical area to increased risk of landslide or
- 381 erosion;
- 382 d. vegetation removal is the minimum necessary to accommodate the septic
- 383 system; and
- 384 e. significant risk of personal injury is eliminated or minimized in the landslide
- 385 hazard area.
- 386 25. Only if in compliance with published Washington state Department of Fish
- 387 and Wildlife and Washington state Department of Natural Resources Management
- 388 standards for the species. If there are no published Washington state standards, only if in
- 389 compliance with management standards determined by the county to be consistent with
- 390 best available science.
- 391 26. Allowed only if:
- 392 a. there is not another feasible location with less adverse impact on the critical
- 393 area and its buffer;
- 394 b. the corridor is not located over habitat used for salmonid rearing or spawning
- 395 or by a species listed as endangered or threatened by the state or federal government unless
- 396 the department determines that there is no other feasible crossing site.
- 397 c. the corridor width is minimized to the maximum extent practical;
- 398 d. the construction occurs during approved periods for instream work;
- 399 e. the corridor will not change or diminish the overall aquatic area flow peaks,
- 400 duration or volume or the flood storage capacity; and

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401 f. no new public right-of-way is established within a severe channel migration
402 hazard area.

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

406 28. Allowed only if:

407 a. an alternative access is not available;

408 b. impact to the critical area is minimized to the maximum extent practical

409 including the use of walls to limit the amount of cut and fill necessary;

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

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

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

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

415 30. Allowed only if:

416 a. the new construction or replacement is made fish passable in accordance with

417 the most recent Washington state Department of Fish and Wildlife manuals or with the

418 National Marine and Fisheries Services guidelines for federally listed salmonid species;

419 and

420 b. the site is restored with appropriate native vegetation.

421 31. Allowed if necessary to bring the bridge or culvert up to current standards and
422 if:

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- 423 a. there is not another feasible alternative available with less impact on the
424 aquatic area and its buffer; and
- 425 b. to the maximum extent practical, the bridge or culvert is located to minimize
426 impacts to the aquatic area and its buffer's.
- 427 32. Allowed in an existing roadway if conducted consistent with the regional road
428 maintenance guidelines.
- 429 33. Allowed outside the roadway if:
- 430 a. the alterations will not subject the critical area to an increased risk of landslide
431 or erosion;
- 432 b. vegetation removal is the minimum necessary to locate the utility or construct
433 the corridor; and
- 434 c. significant risk of personal injury is eliminated or minimized in the landslide
435 hazard area.
- 436 34. Limited to the pipelines, cables, wires and support structures of utility
437 facilities within utility corridors if:
- 438 a. there is no alternative location with less adverse impact on the critical area and
439 critical area buffer;
- 440 b. new utility corridors meet the all of the following to the maximum extent
441 practical:
- 442 (1) are not located over habitat used for salmonid rearing or spawning or by a
443 species listed as endangered or threatened by the state or federal government unless the
444 department determines that there is no other feasible crossing site;
- 445 (2) the mean annual flow rate is less than twenty cubic feet per second; and

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

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

449 (1) the width is the minimized;

450 (2) the removal of trees greater than twelve inches diameter at breast height is
451 minimized;

452 (3) an additional, contiguous and undisturbed critical area buffer, equal in area
453 to the disturbed critical area buffer area including any allowed maintenance roads, is
454 provided to protect the critical area;

455 d. to the maximum extent practical, access for maintenance is at limited access
456 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
457 maintenance road is necessary the following standards are met:

458 (1) to the maximum extent practical the width of the maintenance road is
459 minimized and in no event greater than fifteen feet; and

460 (2) the location of the maintenance road is contiguous to the utility corridor on
461 the side of the utility corridor farthest from the critical area;

462 e. the utility corridor or facility will not adversely impact the overall critical area
463 hydrology or diminish flood storage capacity;

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

465 g. the utility corridor serves multiple purposes and properties to the maximum
466 extent practical;

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

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

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

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

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

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

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

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

481 36. Allowed for onsite private individual utility service connections or private or
482 public utilities if the disturbed area is not expanded and no hazardous substances, pesticides
483 or fertilizers are applied.

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

486 38. Allowed if:

487 a. conveying the surface water into the wetland or aquatic area buffer and
488 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
489 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
490 than if the surface water were discharged at the buffer's edge and allowed to naturally drain
491 through the buffer;

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- 492 b. the volume of discharge is minimized through application of low impact
493 development and water quality measures identified in the King County Surface Water
494 Design Manual;
- 495 c. the conveyance and outfall are installed with hand equipment where feasible;
496 d. the outfall shall include bioengineering techniques where feasible; and
497 e. the outfall is designed to minimize adverse impacts to critical areas.
- 498 39. Allowed only if:
- 499 a. there is no feasible alternative with less impact on the critical area and its
500 buffer;
- 501 b. to the maximum extent practical, the bridge or culvert is located to minimize
502 impacts to the critical area and its buffer;
- 503 c. the bridge or culvert is not located over habitat used for salmonid rearing or
504 spawning unless there is no other feasible crossing site;
- 505 d. construction occurs during approved periods for in-stream work; and
506 e. bridge piers or abutments for bridge crossings are not placed within the
507 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
508 water mark.
- 509 40. Allowed for an open, vegetated stormwater management conveyance system
510 and outfall structure that simulates natural conditions if:
- 511 a. fish habitat features necessary for feeding, cover and reproduction are
512 included when appropriate;
- 513 b. vegetation is maintained and added adjacent to all open channels and ponds, if
514 necessary to prevent erosion, filter out sediments or shade the water; and

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- 515 c. bioengineering techniques are used to the maximum extent practical.
- 516 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 517 a. necessary to avoid erosion of slopes; and
- 518 b. bioengineering techniques are used to the maximum extent practical.
- 519 42. Allowed in a severe channel migration hazard area or an aquatic area buffer to
- 520 prevent bank erosion only:
- 521 a. if consistent with the Integrated Streambank Protection Guidelines
- 522 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
- 523 techniques are used to the maximum extent practical, unless the applicant demonstrates that
- 524 other methods provide equivalent structural stabilization and environmental function;
- 525 b. based on a critical areas report, the department determines that the new flood
- 526 protection facility will not cause significant impacts to upstream or downstream properties;
- 527 and
- 528 c. to prevent bank erosion for the protection of:
- 529 (1) public roadways;
- 530 (2) sole access routes in existence before February 16, 1995;
- 531 (3) new primary dwelling units, accessory dwelling units or accessory living
- 532 quarters and residential accessory structures located outside the severe channel migration
- 533 hazard area if:
- 534 (a) the site is adjacent to or abutted by properties on both sides containing
- 535 buildings or sole access routes protected by legal bank stabilization in existence before
- 536 February 16, 1995. The buildings, sole access routes or bank stabilization must be located
- 537 no more than six hundred feet apart as measured parallel to the migrating channel; and

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538 (b) the new primary dwelling units, accessory dwelling units, accessory living
539 quarters or residential accessory structures are located no closer to the aquatic area than
540 existing primary dwelling units, accessory dwelling units, accessory living quarters or
541 residential accessory structures on abutting or adjacent properties; or

542 (4) existing primary dwelling units, accessory dwelling units, accessory living
543 quarters or residential accessory structures if:

544 (a) the structure was in existence before the adoption date of a King County
545 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

546 (b) the structure is in imminent danger, as determined by a geologist,
547 engineering geologist or geotechnical engineer;

548 (c) the applicant has demonstrated that the existing structure is at risk, and the
549 structure and supporting infrastructure cannot be relocated on the lot further from the
550 source of channel migration; and

551 (d) nonstructural measures are not feasible.

552 43. Applies to lawfully established existing structures if:

553 a. the height of the facility is not increased, unless the facility is being replaced
554 in a new alignment that is landward of the previous alignment and enhances aquatic area
555 habitat and process;

556 b. the linear length of the facility is not increased, unless the facility is being
557 replaced in a new alignment that is landward of the previous alignment and enhances
558 aquatic area habitat and process;

559 c. the footprint of the facility is not expanded waterward;

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560 d. consistent with the Integrated Streambank Protection Guidelines (Washington
561 State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used
562 to the maximum extent practical;

563 e. the site is restored with appropriate native vegetation and erosion protection
564 materials; and

565 f. based on a critical areas report, the department determines that the
566 maintenance, repair, replacement or construction will not cause significant impacts to
567 upstream or downstream properties.

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

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

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

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

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

579 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the
580 buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

581 a. the trail surface is made of pervious materials, except that public multipurpose
582 trails may be made of impervious materials if they meet all the requirements in K.C.C.

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583 chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised
584 boardwalk or bridge;

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

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

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

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

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

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

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

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

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

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

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

605 (4) constructed of materials that are nontoxic; and

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

607 48. Only if the maintenance:

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

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

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

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

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

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

619 c. conducted in accordance with an approved forest management plan, farm
620 management plan or rural stewardship plan.

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

624 51. Allowed for the minimal clearing and grading, including site access,
625 necessary to prepare critical area reports.

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

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

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629 b. survey monument placement;
630 c. site exploration and gage installation if performed in accordance with state-
631 approved sampling protocols and accomplished to the maximum extent practical by hand-
632 held equipment and; or similar work associated with an incidental take permit issued under
633 Section 10 of the Endangered Species Act or consultation under Section 7 of the
634 Endangered Species Act.

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

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

- 640 a. the site is predominantly involved in the practice of agriculture;
641 b. there is no expansion into an area that:

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

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

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

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

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- 652 55. Only allowed in grazed or tilled wet meadows or their buffers if:
- 653 a. the facilities are designed to the standards of an approved farm management
- 654 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
- 655 accordance with K.C.C. chapter 21A.30;
- 656 b. there is not a feasible alternative location available on the site; and
- 657 c. the facilities are located close to the outside edge of the buffer to the
- 658 maximum extent practical.
- 659 56. Only allowed in: 1) a severe channel migration hazard area located outside of
- 660 the shorelines jurisdiction area, 2) grazed or tilled wet meadow or wet meadow buffer or 3)
- 661 aquatic area buffer and only if:
- 662 a. the applicant demonstrates that adverse impacts to the critical area and critical
- 663 area buffers have been minimized;
- 664 b. there is not another feasible location available on the site that is located
- 665 outside of the critical area or critical area buffer; ~~((and))~~
- 666 c. the farm pad is designed to the standards in an approved farm management
- 667 plan in accordance with K.C.C. 21A.24.051; and
- 668 d. for proposals located in the severe channel migration hazard area, the farm
- 669 pad or livestock manure storage facility is located where it is least subject to risk from
- 670 channel migration.
- 671 57. Allowed for new agricultural drainage in compliance with an approved farm
- 672 management plan in accordance with K.C.C. 21A.24.051 and all best management
- 673 practices associated with the activities specified in the farm management plan are installed
- 674 and maintained.

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675 58. If the agricultural drainage is used by salmonids, maintenance shall be in
676 compliance with an approved farm management plan in accordance with K.C.C.
677 21A.24.051.

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

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

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

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

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

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

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

692 (4) the width of clearing is minimized;

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

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

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

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

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

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

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

- 707 a. is the best flood risk reduction alternative practicable;
- 708 b. is part of a comprehensive, long-term flood management strategy;
- 709 c. is consistent with the King County Flood Hazard Management Plan policies;
- 710 d. will have the least adverse impact on the ecological functions of the critical
711 area or its buffer, including habitat for fish and wildlife that are identified for protection in
712 the King County Comprehensive Plan; and
- 713 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

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

715 b. Only allowed if:

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

718 (2) the project is located on public land or on land that is owned by a nonprofit
719 agency whose primary function deals with natural resources management;

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

722 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

723 (5) the project minimizes the footprint of structures and the number of access
724 points to any critical areas; and

725 (6) the project meets the following design criteria:

726 (a) to the maximum extent practical size of platform shall not exceed one
727 hundred square feet;

728 (b) all construction materials for any structures, including the platform,
729 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
730 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass
731 or cured concrete that the department determines will not have an adverse impact on water
732 quality;

733 (c) the exterior of any structures are sufficiently camouflaged using netting or
734 equivalent to avoid any visual deterrent for wildlife species to the maximum extent
735 practical. The camouflage shall be maintained to retain concealment effectiveness;

736 (d) structures shall be located outside of the wetland or aquatic area landward
737 of the Ordinary High Water Mark or open water component (if applicable) to the maximum
738 extent practical on the site;

739 (e) construction occurs during approved periods for work inside the Ordinary
740 High Water Mark;

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741 (f) construction associated with bird blinds shall not occur from March 1
742 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
743 rearing seasons;

744 (g) to the maximum extent practical, provide accessibility for persons with
745 physical disabilities in accordance with the International Building Code;

746 (h) trail access is designed in accordance with public rules adopted by the
747 department;

748 (i) existing native vegetation within the critical area will remain undisturbed
749 except as necessary to accommodate the proposal. Only minimal hand clearing of
750 vegetation is allowed; and

751 (j) disturbed bare ground areas around the structure must be replanted with
752 native vegetation approved by the department.

753 63. Not allowed in the severe channel migration zone, there is no alternative
754 location with less adverse impact on the critical area and buffer and clearing is minimized
755 to the maximum extent practical.

756 64. Only structures wholly or partially supported by a tree and used as accessory
757 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
758 following:

759 a. not allowed in wildlife habitat conservation areas or severe channel migration
760 hazard areas;

761 b. the structure's floor area shall not exceed two hundred square feet, excluding a
762 narrow access stairway or landing leading to the structure;

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763 c. the structure shall be located as far from the critical area as practical, but in no
764 case closer than seventy-five feet from the critical area;

765 d. only one tree-supported structure within a critical area buffer is allowed on a
766 lot;

767 e. all construction materials for the structure, including the platform, pilings,
768 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
769 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass
770 or cured concrete that the department determines will not have an adverse impact on water
771 quality;

772 f. to the maximum extent practical, the exterior of the structure shall be
773 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and
774 visibility from the critical area. The camouflage shall be maintained to retain concealment
775 effectiveness;

776 g. the structure must not adversely impact the long-term health and viability of
777 the tree. The evaluation shall include, but not be limited to, the following:

778 (1) the quantity of supporting anchors and connection points to attach the tree
779 house to the tree shall be the minimum necessary to adequately support the structure;

780 (2) the attachments shall be constructed using the best available tree anchor bolt
781 technology; and

782 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement of
783 the tree house and shall submit a report discussing how the tree's long-term health and
784 viability will not be negatively impacted by the tree house or associated infrastructure;

785 h. exterior lighting shall meet the following criteria:

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786 (1) limited to the minimum quantity of lights necessary to meet the building
787 code requirements to allow for safe exiting of the structure and stairway; and
788 (2) exterior lights shall be fully shielded and shall direct light downward, in an
789 attempt to minimize impacts to the nighttime environment;
790 i. unless otherwise approved by the department, all external construction shall be
791 limited to September 1 through March 1 in order to avoid disturbance to wildlife species
792 during typical breeding, nesting and rearing seasons;
793 j. trail access to the structure shall be designed in accordance with trail standards
794 under subsection D.47. of this section;
795 k. to the maximum extent practical, existing native vegetation shall be left
796 undisturbed. Only minimal hand clearing of vegetation is allowed; and
797 l. vegetated areas within the critical area buffer that are temporarily impacted by
798 construction of the structure shall be restored by planting native vegetation according to a
799 vegetation management plan approved by the department.
800 65. Shoreline water dependent and shoreline water oriented uses are allowed in
801 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
802 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.
803 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
804 21A.08.100B.14., and only as follows:
805 a. there is not another feasible location within the aquatic area with less adverse
806 impact on the critical area and its buffer;

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- 807 b. the facility and corridor is not located over habitat used for salmonid rearing or
808 spawning or by a species listed as endangered or threatened by the state or federal
809 government unless the department determines that there is no other feasible location;
- 810 c. the facility is not located in Category I wetlands or Category II wetlands with a
811 habitat score 30 points or greater
- 812 d. the corridor width is minimized to the maximum extent practical;
- 813 e. paralleling the channel or following a down-valley route within an aquatic
814 area buffer is avoided to the maximum extent practical;
- 815 f. the construction occurs during approved periods for instream work;
- 816 g. the facility and corridor will not change or adversely impact the overall aquatic
817 area flow peaks, duration or volume or the flood storage capacity;
- 818 h. the facility and corridor is not located within a severe channel migration
819 hazard area;
- 820 i. to the maximum extent practical, buildings will be located outside the buffer
821 and away from the aquatic area or wetland;
- 822 j. to the maximum extent practical, access for maintenance is at limited access
823 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
824 maintenance road is necessary the following standards are met:
- 825 (1) to the maximum extent practical the width of the maintenance road is
826 minimized and in no event greater than fifteen feet; and
- 827 (2) the location of the maintenance road is contiguous to the utility corridor on
828 the side of the utility corridor farthest from the critical area;

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829 k. the facility does not pose an unreasonable threat to the public health, safety or
830 welfare on or off the development proposal site and is consistent with the general purposes
831 of this chapter and the public interest; and

832 l. the facility connects to or is an alteration to a public roadway, public trail, a
833 utility corridor or utility facility or other infrastructure owned or operated by a public
834 utility.

835 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
836 21A.08.100.B.14, and only as follows:

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

839 b. the alterations will not subject the critical area to an increased risk of
840 landslide or erosion;

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

842 d. vegetation removal is the minimum necessary to locate the utility or construct
843 the corridor;

844 e. the facility and corridor do not pose an unreasonable threat to the public
845 health, safety or welfare on or off the development proposal site and is consistent with the
846 general purposes of this chapter, and the public interest and significant risk of personal
847 injury is eliminated or minimized in the landslide hazard area; and

848 f. the facility connects to or is an alteration to a public roadway, public trail, a
849 utility corridor or utility facility or other infrastructure owned or operated by a public
850 utility.

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851 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
852 only as follows:

853 a. the heat exchanger must be a closed loop system that does not draw water
854 from or discharge to the lake;

855 b. the lake bed shall not be disturbed, except as required by the county or a state
856 or federal agency to mitigate for impacts of the heat exchanger;

857 c. the in-water portion of system is only allowed where water depth exceeds six
858 feet; and

859 d. system structural support for the heat exchanger piping shall be attached to an
860 existing dock or pier or be attached to a new structure that meets the requirements of
861 K.C.C. 21A.25.180.

862 69. Only for maintenance of agricultural waterways if:

863 a. the purpose of the maintenance project is to improve agricultural production
864 on a site predominately engaged in the practice of agriculture;

865 b. the maintenance project is conducted in compliance with a hydraulic project
866 approval issued by the Washington state Department of Fish and Wildlife pursuant to
867 chapter 77.55 RCW;

868 c. the maintenance project complies with the King County agricultural drainage
869 assistance program as agreed to by the Washington state Department of Fish and Wildlife,
870 the department of permitting and environmental review and the department of natural
871 resources and parks, and as reviewed by the Washington state Department of Ecology;

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- 872 d. the person performing the maintenance and the land owner have attended
873 training provided by King County on the King County agricultural drainage assistance
874 program and the best management practices required under that program; and
875 e. the maintenance project complies with K.C.C. chapter 16.82.

876 SECTION 78. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070
877 are each hereby amended to read as follows:

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

880 1. Except as otherwise provided in subsection A.2. of this section, for linear
881 alterations, the director may approve alterations to critical areas, critical area buffers and
882 critical area setbacks only when all of the following criteria are met:

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

885 b. the proposal minimizes the adverse impact on critical areas to the maximum
886 extent practical;

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

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

892 e. the linear alteration:

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893 (1) connects to or is an alteration to a public roadway, regional light rail transit
894 line, public trail, a utility corridor or utility facility or other public infrastructure owned or
895 operated by a public utility; or

896 (2) is required to overcome limitations due to gravity;

897 2. In order to accommodate the siting of a regional light rail transit facility under
898 RCW 36.70A.200, the director may approve alterations to critical areas, critical area
899 buffers and critical area setbacks not otherwise allowed by this chapter and may impose
900 reasonable conditions to minimize the impact of the light rail transit facility on the critical
901 area and its buffer; and

902 3. For nonlinear alterations the director may approve alterations to critical areas
903 except wetlands, unless otherwise allowed under subsection (~~(A.2.h.)~~) A.3.h. of this
904 section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area
905 buffers and critical area setbacks, when all of the following criteria are met:

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

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

910 c. the approval does not require the modification of a critical area development
911 standard established by this chapter, except as set forth in subsection (~~(A.2.i.)~~) A.3.i. of this
912 section;

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

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916 e. for dwelling units, no more than five thousand square feet or ten percent of the
917 site, whichever is greater, may be disturbed by structures, building setbacks or other land
918 alteration, including grading, utility installations and landscaping, but not including the area
919 used for a driveway or for an on-site sewage disposal system. ~~Where the building or~~
920 ~~structure is located within the buffer, the setback line is measured from the building or~~
921 ~~structure~~ When the site disturbance is within a critical area buffer, the building setback line
922 shall be measured from the building footprint to the edge of the approved site disturbance;

Commented [AE8]: Modified to make a complete sentence.

923 f. to the maximum extent practical, access is located to have the least adverse
924 impact on the critical area and critical area buffer;

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

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

928 i. the director may approve an alteration to the elevation or dry flood proofing
929 standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural
930 accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand
931 dollars if the development proposal meets the criteria in subsection ~~((A.2.))~~A.3. of this
932 section and the standards in K.C.C. ~~((21A.24.240.F.4.))~~ 21A.24.240.F.2. through
933 21A.24.240.G.

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Commented [AE9]: The underlying code language is correct.

934 B. The director may approve alterations to critical areas, critical area buffers and
935 critical area setbacks if the application of this chapter would deny all reasonable use of the
936 property as follow:

937 1. If the critical area, critical area buffer or critical area setback is outside of the
938 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this

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939 subsection without first having applied for an alteration exception under this section if the
940 requested reasonable use exception includes relief from development standards for which
941 an alteration exception cannot be granted under this section. The director shall determine
942 that all of the following criteria are met:

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

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

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

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

953 ~~structure is located within the buffer, the setback line is measured from the building or~~

954 ~~structure~~; and

955 2. If the critical area, critical area buffer or critical area setback is located within
956 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a
957 request for a shoreline variance under K.C.C. 21A.44.090.

958 C. For the purpose of this section:

959 1. "Linear" alteration means infrastructure that supports development that is
960 linear in nature and includes public and private roadways, public trails, private driveways,

Commented [AE10]: Not part of the shoreline code. Will be incorporated into a non-shoreline omnibus ordinance.

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961 railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and
962 utility facilities; and

963 2. For purposes of subsections A. and B. of this section, areas located within the
964 shoreline jurisdiction that are below the ordinary high water mark shall not be included in
965 calculating the site area.

966 D. Alteration exceptions approved under this section shall meet the mitigation
967 requirements of this chapter.

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

970 SECTION 89. ~~Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are each~~
971 ~~hereby amended to read as follows:~~

972 ~~A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during~~
973 ~~review of an application for a single detached dwelling unit, the director may approve an~~
974 ~~alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated~~
975 ~~buffer, landslide hazard area and associated buffer and critical area setback as follows:~~

976 ~~1. There is no feasible alternative to the development proposal with less adverse~~
977 ~~impact on the critical area;~~

978 ~~2. The alteration is the minimum necessary to accommodate residential use of the~~
979 ~~property;~~

980 ~~3. The approval does not require the modification of a critical area development~~
981 ~~standard established by this chapter;~~

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982 ~~4. The development proposal does not pose an unreasonable threat to the public~~
983 ~~health, safety or welfare on or off the development proposal site and is consistent with the~~
984 ~~general purposes of this chapter and the public interest;~~

985 ~~5. No more than five thousand square feet or ten percent of the site, whichever is~~
986 ~~greater, are disturbed by structures, building setbacks or other land alteration, including~~
987 ~~grading, utility installations and landscaping, but not including the area used for a driveway~~
988 ~~or for an on site sewage disposal system. For purposes of this section, areas located within~~
989 ~~the shoreline jurisdiction that are below the ordinary high water mark shall not be included~~
990 ~~in calculating the site area;~~

991 ~~6. The applicant submits an approved ((rural)) stewardship plan ((or forest~~
992 ~~stewardship plan)) prepared in accordance with this chapter that addresses the development~~
993 ~~proposal and the proposed use of the property; and~~

994 ~~7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.~~

995 ~~B. The applicant for the waiver of the alteration exception process shall submit any~~
996 ~~critical areas studies, alternatives analysis and other documents requested by the~~
997 ~~department following a preapplication review meeting.~~

998 ~~C. Within fourteen calendar days after the department determines the application~~
999 ~~under this section is complete, it shall provide written mailed notice of the proposed~~
1000 ~~alteration as provided in K.C.C. 20.20.080.H.~~

1001 ~~D. The department shall allow twenty one calendar days for comment before~~
1002 ~~making a decision on the request under this section. The department's decision shall be~~
1003 ~~mailed to the applicant and to any other person who requests a copy. The decision shall~~

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1004 ~~state the reasons for the decision and, if approved, shall include any required mitigation or~~
1005 ~~conditions.~~

Commented [AE11]: Removed. Not part of shoreline code. Will be incorporated into a non-shoreline omnibus.

1006 ~~SECTION 9. Ordinance 10870, Section 404, as amended, and K.C.C. 21A.24.170~~
1007 ~~are each hereby amended to read as follows:~~

1008 ~~A. Except as otherwise provided in subsection of C. of this section, the owner of~~
1009 ~~any property containing critical areas or buffers on which a development proposal is~~
1010 ~~submitted or any property on which mitigation is established as a result of development~~
1011 ~~shall file a notice approved by King County with the records and licensing services~~
1012 ~~division. The notice shall inform the public of:~~

- 1013 ~~1. The presence of critical areas or buffers or mitigation sites on the property;~~
- 1014 ~~2. The application of this chapter to the property; and~~
- 1015 ~~3. The possible existence of limitations on actions in or affecting the critical areas~~
1016 ~~or buffers or the fact that mitigation sites may exist.~~

1017 ~~B. The applicant for a development proposal shall submit proof that the notice~~
1018 ~~required by this section has been filed for public record before King County approves any~~
1019 ~~development proposal for the property or, in the case of subdivisions, short subdivisions~~
1020 ~~and binding site plans, at or before recording of the subdivision, short subdivision or~~
1021 ~~binding site plan.~~

1022 ~~C. The notice required under subsection A. of this section is not required if:~~
1023 ~~1. The property is a public right-of-way or the site of a permanent public facility;~~
1024 ~~2. The development proposal does not require sensitive area review under K.C.C.~~
1025 ~~21A.24.100.C; ((or))~~

1026 ~~3. The property only contains a critical aquifer recharge area; or~~

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1027 ~~4. The owner has recorded, with King County records and licensing services, a~~
1028 ~~currently valid critical area designation issued by the department under K.C.C. 21A.24.500.~~
1029 ~~SECTION 10.~~ Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200
1030 are each hereby amended to read as follows:

Commented [AE12]: Removed. Not part of shoreline code. Will be incorporated into a non-shoreline omnibus.

1031 Unless otherwise provided, an applicant shall set buildings and other structures
1032 back a distance of fifteen feet from the edges of all critical area buffers or from the edges of
1033 all critical areas, if no buffers are required. ~~When the site disturbance is within a critical~~
1034 ~~area buffer, the building setback line shall be measured from the building footprint to the~~
1035 ~~edge of the approved site disturbance. Where the building or structure is located within the~~
1036 ~~buffer, the setback line is measured from the building or structure.~~ The following are
1037 allowed in the building setback area:

Commented [AE13]: Modified to make a complete sentence.

- 1038 A. Landscaping;
- 1039 B. Uncovered decks;
- 1040 C. Building overhangs if the overhangs do not extend more than eighteen inches
1041 into the setback area;
- 1042 D. Impervious ground surfaces, such as driveways and patios, but the
1043 improvements are required to meet any special drainage provisions specified in public rules
1044 adopted for the various critical areas;
- 1045 E. Utility service connections as long as the excavation for installation avoids
1046 impacts to the buffer; and
- 1047 F. Minor encroachments if adequate protection of the buffer will be maintained.

1048 ~~SECTION 11.~~ Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
1049 are each hereby amended to read as follows:

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1050 ~~A.1. A property owner or the property owner's agent may request a critical area~~
1051 ~~designation for part or all of a site, without seeking a permit for a development proposal, by~~
1052 ~~filing with the department a written application for a critical area designation on a form~~
1053 ~~provided by the department. If the request is for review of a portion of a site, the~~
1054 ~~application shall include a map identifying the portion of the site for which the designation~~
1055 ~~is sought.~~

1056 ~~2. The designation may include an evaluation or interpretation of the applicability~~
1057 ~~of critical area buffers and other critical area standards to a future development proposal.~~

1058 ~~B. In preparing the critical area designation, the department shall perform a critical~~
1059 ~~area review to:~~

1060 ~~1. Determine whether any critical area exists on the site and confirm its type,~~
1061 ~~location, boundaries and classification;~~

1062 ~~2. Determine whether a critical area report is required to identify and characterize~~
1063 ~~the location, boundaries and classification of the critical area;~~

1064 ~~3. Evaluate the critical area report, if required; and~~

1065 ~~4. Document the existence, location and classification of any critical area.~~

1066 ~~C. If required by the department, the applicant for a critical area designation shall~~
1067 ~~prepare and submit to the department the critical area report required by subsection B.2. of~~
1068 ~~this section. For sites zoned for single detached dwelling units involving wetlands or~~
1069 ~~aquatic areas, the applicant may elect to have the department conduct the special study in~~
1070 ~~accordance with K.C.C. Title 27;~~

1071 ~~D. The department shall make the determination of a critical area designation in~~
1072 ~~writing within one hundred twenty days after the application for a critical area designation~~

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1073 ~~is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1,~~
1074 ~~through 5, are excluded from the one hundred twenty day period. (If the determination~~
1075 ~~applies to less than an entire site, the determination shall clearly identify the portion of the~~
1076 ~~site to which the determination applies)) The written determination made under this~~
1077 ~~section will establish the existence, location, classification of critical areas and critical area~~
1078 ~~buffers on the site, or specified portion of the site for which the determination has been~~
1079 ~~requested.~~

1080 ~~_____ E.((1. The written determination made under this section is effective for five years~~
1081 ~~as to the existence, location, classification of a critical area and critical area buffers on the~~
1082 ~~site, unless:~~

1083 ~~_____ a. there is a change in site conditions;~~

1084 ~~_____ b. a state or federal agency adopts critical area maps that conflict with the~~
1085 ~~department's written determination.~~

1086 ~~_____ 2. As part of its review of a complete application for a permit or approval, the~~
1087 ~~department shall establish whether the written determination is still effective)) The critical~~
1088 ~~area designation is effective for five years from the date the determination is issued if there~~
1089 ~~has been no change in site conditions. A change in site conditions includes, but is not~~
1090 ~~limited to, applicant or owner actions on the property and agency mapping updates for~~
1091 ~~critical hazard areas. In the absence of changes to site conditions, the department shall rely~~
1092 ~~on the determination of the existence, location and classification of the critical area buffer~~
1093 ~~in its review of a complete application for a permit or approval filed within five years after~~
1094 ~~the determination is issued.~~

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1095 ~~F. If the department designates critical areas on a site under this section, the~~
1096 ~~applicant for a development proposal on that site shall submit proof that a critical area~~
1097 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~
1098 ~~subsection, the department's determination under this section is final. If the department~~
1099 ~~relies on a critical area designation made under this section during its review of an~~
1100 ~~application for a permit or other approval of a development proposal and the permit or~~
1101 ~~other approval is subject to an administrative appeal, any appeal of the designation shall be~~
1102 ~~consolidated with and is subject to the same appeal process as the underlying development~~
1103 ~~proposal. If the King County hearing examiner makes the county's final decision with~~
1104 ~~regard to the permit or other approval type for the underlying development proposal, the~~
1105 ~~hearing examiner's decision constitutes the county's final decision on the designation. If~~
1106 ~~the King County council, acting as a quasi-judicial body, makes the county's final decision~~
1107 ~~with regard to the permit or other approval type for the underlying development proposal,~~
1108 ~~the King County council's decision constitutes the county's final decision on the~~
1109 ~~designation.~~

Commented [AE14]: Removed. Not part of shoreline code. Will be incorporated into a non-shoreline omnibus.

1110 ~~SECTION 12. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550~~
1111 ~~are each hereby amended to read as follows:~~

1112 ~~A. A development proposal shall be deemed to comply with this chapter and the~~
1113 ~~department shall not require additional critical areas, fire or drainage review of a~~
1114 ~~development proposal for a single-family residential development that is consistent with~~
1115 ~~the conditions established by the department in its review of the development proposal if~~
1116 ~~the applicant meets all of the following requirements:~~

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- 1117 ~~1. The applicant provides to the department a critical areas report prepared by a~~
1118 ~~preferred consultant, as provided in K.C.C. Title 27, for the critical areas on the~~
1119 ~~development proposal site;~~
- 1120 ~~2. The department has issued a critical areas designation under K.C.C.~~
1121 ~~21A.24.500. If applicable, the designation shall be issued before septic system design,~~
1122 ~~application and approval;~~
- 1123 ~~3. The development proposal qualifies for simplified drainage review and does~~
1124 ~~not require targeted drainage review under K.C.C. chapter 9.04;~~
- 1125 ~~4. The development proposal does not require an alteration exception or~~
1126 ~~reasonable use exception under this chapter, a variance from road standards under K.C.C.~~
1127 ~~Title 14 or a drainage adjustment under K.C.C. chapter 9.04; and~~
- 1128 ~~5. The development proposal locates structures, on-site septic drainfield areas,~~
1129 ~~the well location, and other impervious surfaces, including but not limited to driveways,~~
1130 ~~within the areas identified by the department.~~
- 1131 ~~B. If an applicant indicates on a form approved by the department that a~~
1132 ~~development proposal for a single family residence will be proposed for review under~~
1133 ~~this section, the department shall consolidate critical areas, drainage, road standards, and~~
1134 ~~fire review. Based on the information provided by the applicant under this section, the~~
1135 ~~department shall identify ((a development footprint)) an area on the property where the~~
1136 ~~applicant may clear and place structures and other impervious surfaces in order to meet~~
1137 ~~the requirements of this chapter and K.C.C. chapters 9.04 and 16.82. At the time of~~
1138 ~~development permit application, the department shall screen the proposal for compliance~~

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1139 ~~with the conditions established by the department under this section, set the conditions of~~
1140 ~~permit approval and, if required, establish the mitigation financial guarantee.~~

Commented [AE15]: Removed. Not part of shoreline code. Will be incorporated into a non-shoreline omnibus.

1141 SECTION 4310. Ordinance 3688, Chapter 2 (part), as amended, and K.C.C.

1142 21A.25.020 are each hereby amended to read as follows:

1143 The definitions in K.C.C. chapter 21A.06, chapter 90.58 RCW and chapter 173-

1144 26 WAC apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW

1145 and chapter 173-26 WAC apply if there is a conflict with the definitions in K.C.C.

1146 chapter 21A.06. Other definition sections of the King County Code shall apply where

1147 applicable and where not in conflict with the ~~K.C.C. chapter 21A.06, chapter 90.58 RCW~~

1148 and chapter 173-26 chapters of the RCW and the WAC listed in this sectionWAC. In

1149 addition, the following definitions apply to this chapter unless the context clearly requires

1150 otherwise:

1151 A. "Development" means any development as defined in chapter 90.58

1152 RCW~~(-)~~; and

1153 B. "Shoreline mixed use" means shoreline development that contains a water-

1154 dependent use combined with a water related, water enjoyment or a non-water-oriented

1155 use in a single building or on a single site in an integrated development proposal. Water

1156 dependent uses must comprise a significant portion of the floor area or site area in a

1157 shoreline mixed use development.

1158 SECTION 4411. Ordinance 3688, Section 303, as amended, and K.C.C.

1159 21A.25.050 are each hereby amended to read as follows:

1160 A. The King County shoreline jurisdiction consists of:

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1161 1. All water areas of the state, as defined in RCW 90.58.030, including reservoirs
1162 and associated wetlands, together with the lands underlying them, except for:

1163 a. lakes smaller than twenty acres and their associated wetlands; and

1164 b. segments of rivers and streams and their associated wetlands where the mean
1165 annual flow is less than twenty cubic feet per second; and

1166 2.a. The shorelands that extend landward in all directions as measured on a
1167 horizontal plane for two hundred feet from the ordinary high water mark of the waterbodies
1168 identified in subsection A.1. of this section;

1169 b. the one hundred year floodplain(~~and contiguous floodplain areas landward~~
1170 ~~two hundred feet from the one hundred year floodplain~~); and

1171 c. all wetlands and river deltas associated with the streams, lakes and tidal waters
1172 that are subject to chapter 90.58 RCW.

1173 B. The shoreline jurisdiction does not include tribal reservation lands and lands
1174 held in trust by the federal government for tribes. Nothing in the King County Shoreline
1175 Master Program or action taken under that program shall affect any treaty right to which
1176 the United States is a party.

1177 C. The lakes and segments of rivers and streams constituting the King County
1178 shoreline jurisdiction are set forth in Attachment K(~~(5)~~) to Ordinance 17485.* The King
1179 County shoreline jurisdiction is shown on a map adopted in chapter ~~((5))~~6 of the King
1180 County Comprehensive Plan. If there is a discrepancy between the map and the criteria
1181 established in subsection A. of this section, the criteria shall constitute the official King
1182 County shoreline jurisdiction.

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1183 SECTION 12. Ordinance 3688, Section 302, as amended, and K.C.C. 21A.25.060
1184 are each hereby amended to read as follows:

1185 A. In order to accomplish the goals, policies and regulations of the King County
1186 shoreline master program, the following shoreline environment designations have been
1187 established:

- 1188 1. High Intensity shoreline;
- 1189 2. Residential shoreline;
- 1190 3. Rural shoreline;
- 1191 4. Conservancy shoreline;
- 1192 5. Resource shoreline;
- 1193 6. Forestry shoreline;
- 1194 7. Natural shoreline; and
- 1195 8. Aquatic.

1196 B. The shoreline environment designations are included on a map in chapter ~~(5)~~6
1197 of the King County Comprehensive Plan. If there is a discrepancy between the map and
1198 the criteria established in chapter ~~(5)~~6 of the King County Comprehensive Plan for
1199 shoreline environment designations, the criteria shall constitute the official King County
1200 shoreline environment designation. Any parcel of land included within the shoreline
1201 jurisdiction without a shoreline environment designation shall be considered within the
1202 Conservancy environment.

1203 C. The purpose of each shoreline environment designation is defined as follows:

- 1204 1. The purpose of the High Intensity shoreline is to provide for high intensity
1205 water-oriented commercial and industrial uses;

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1206 2. The purpose of the Residential shoreline is to accommodate residential and
1207 commercial uses on a scale appropriate with urban residential zones;

1208 3. The purpose of the Rural shoreline is to accommodate land uses normally
1209 associated with rural area levels of development while providing appropriate public access
1210 and recreational uses to the maximum extent practicable;

1211 4. The purpose of the Conservancy shoreline is to conserve areas that are a high
1212 priority for restoration, include valuable historic properties or provide recreational
1213 opportunities;

1214 5. The purpose of the Resource shoreline is to allow for mining and agricultural
1215 uses on lands that are designated under the Growth Management Act as agricultural land of
1216 long term commercial significance or mineral resource lands;

1217 6. The purpose of the Forestry shoreline is to allow for forestry uses;

1218 7. The purpose of the Natural shoreline is to protect those shoreline areas that are
1219 relatively free of human influence or have high ecological quality. This designation allows
1220 only very low intensity uses in order to maintain the existing high levels of ecological
1221 process and function; and

1222 8. The Aquatic environment is to protect, restore and manage the unique
1223 characteristics and resources of the areas waterward of the ordinary high water mark.

1224 SECTION 4513. Ordinance 16985, Section 39, as amended, and K.C.C.
1225 21A.25.160 are each hereby amended to read as follows:

1226 A. The shoreline modification table in this section determines whether a specific
1227 shoreline modification is allowed within each of the shoreline environments. The
1228 shoreline environment is located on the vertical column and the specific use is located on

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1229 the horizontal row of the table. The specific modifications are grouped by the shoreline
1230 modification categories in WAC 173-26-231. The table should be interpreted as follows:

1231 1. If the cell is blank in the box at the intersection of the column and the row,
1232 the modification is prohibited in that shoreline environment;

1233 2. If the letter "P" appears in the box at the intersection of the column and the
1234 row, the modification may be allowed within the shoreline environment;

1235 3. If the letter "C" appears in the box at the intersection of the column and the
1236 row, the modification may be allowed within the shoreline environment subject to the
1237 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

1238 4. If a number appears in the box at the intersection of the column and the row,
1239 the modification may be allowed subject to the appropriate review process indicated in
1240 this section and the specific development conditions indicated with the corresponding
1241 number immediately following the table, and only if the underlying zoning allows the
1242 modification. If more than one number appears at the intersection of the column and
1243 row, both numbers apply; and

1244 5. If more than one letter-number combination appears in the box at the
1245 intersection of the column and the row, the modification is allowed within that shoreline
1246 environment subject to different sets of limitations or conditions depending on the review
1247 process indicated by the letter, the specific development conditions indicated in the
1248 development condition with the corresponding number immediately following the table.

1249 6. A shoreline modification may be allowed in the aquatic environment only if
1250 that shoreline modification is allowed in the adjacent shoreland environment.

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Filling	P4 C4	C4	C4	P4 C4				
Breakwaters, jetties, groins and weirs								
Breakwaters, jetties, groins and weirs	P5 C5							
((Beach and dunes management))								
((Not applicable in King County))								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	C6	C6	P6 C6				
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7							
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

1257 C. Development conditions.

1258 1. New shoreline stabilization, including bulkheads, must meet the standards in
 1259 K.C.C. 21A.25.170;

1260 2. a. Flood protection facilities must be consistent with the standards in K.C.C.
 1261 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,
 1262 2007, and the Integrated Stream Protection Guidelines (Washington state departments of
 1263 Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard
 1264 protection measures are allowed in the shoreline jurisdiction only when the applicant
 1265 demonstrates by a scientific and engineering analysis that the structural measures are
 1266 necessary to protect existing development, that nonstructural measures are not feasible
 1267 and that the impact on ecological functions and priority species and habitats can be
 1268 successfully mitigated so as to assure no net loss of shoreline ecological functions. New
 1269 flood protection facilities designed as shoreline stabilization must meet the standards in
 1270 K.C.C. 21A.25.170.

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1271 b. Relocation, replacement or expansion of existing flood control facilities
1272 within the Natural environment are permitted, subject to the requirements of the King
1273 county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic
1274 Guidelines Program’s Integrated Streambank Protection Guidelines and bioengineering
1275 techniques used to the maximum extent practical. New facilities would only be permitted
1276 consistent with an approved watershed resources inventory area (WRIA) salmon recovery
1277 plan under chapter 77.85 RCW.

Commented [AE17]: Clarifies requirement for new flood control facilities in Natural Environment.

1278 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the
1279 standards in K.C.C. 21A.25.180;

1280 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

1281 b. A shoreline conditional use permit is required to:

1282 (1) Place fill waterward of the ordinary high water mark for any use except
1283 ecological restoration or for the maintenance and repair of flood protection facilities; and

1284 (2) Dispose of dredged material within shorelands or wetlands within a
1285 channel migration zone;

1286 c. Fill shall not placed in critical saltwater habitats except when all of the
1287 following conditions are met:

1288 (1) The public's need for the proposal is clearly demonstrated and the
1289 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1290 (2) Avoidance of impacts to critical saltwater habitats by an alternative
1291 alignment or location is not feasible or would result in unreasonable and disproportionate
1292 cost to accomplish the same general purpose;

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1293 (3) The project including any required mitigation, will result in no net loss of
1294 ecological functions associated with critical saltwater habitat; and

1295 (4) The project is consistent with the state's interest in resource protection and
1296 species recovery.

1297 d. In a channel migration zone, any filling shall protect shoreline ecological
1298 functions, including channel migration.

1299 5.a. Breakwaters, jetties, groins and weirs:

1300 (1) are only allowed where necessary to support water dependent uses, public
1301 access, approved shoreline stabilization or other public uses, as determined by the
1302 director;

1303 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
1304 habitat restoration project or as an alternative to construction of a shoreline stabilization
1305 structure;

1306 (3) shall not intrude into or over critical saltwater habitats except when all of
1307 the following conditions are met:

1308 (a) the public's need for the structure is clearly demonstrated and the
1309 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1310 (b) avoidance of impacts to critical saltwater habitats by an alternative
1311 alignment or location is not feasible or would result in unreasonable and disproportionate
1312 cost to accomplish the same general purpose;

1313 (c) the project including any required mitigation, will result in no net loss of
1314 ecological functions associated with critical saltwater habitat; and

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1315 (d) the project is consistent with the state's interest in resource protection
1316 and species recovery.

1317 b. Groins are only allowed as part of a restoration project sponsored or
1318 cosponsored by a public agency that has natural resource management as a primary
1319 function.

1320 c. A conditional shoreline use permit is required, except for structures installed
1321 to protect or restore shoreline ecological functions.

1322 6. Excavation, dredging and filling must meet the standards in K.C.C.
1323 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
1324 material within shorelands or wetlands within a channel migration zone

1325 7. If the department determines the primary purpose is restoration of the natural
1326 character and ecological functions of the shoreline, a shoreline habitat and natural
1327 systems enhancement project may include shoreline modification of vegetation, removal
1328 of nonnative or invasive plants, shoreline stabilization, including the installation of large
1329 woody debris, dredging and filling. Mitigation actions identified through biological
1330 assessments required by the National Marine Fisheries Services and applied to flood
1331 hazard mitigation projects may include shoreline modifications of vegetation, removal of
1332 nonnative or invasive plants, shoreline stabilization, including the installation of large
1333 woody debris, dredging and filling.

1334 8. Within the critical area and critical area buffer, vegetation removal is subject
1335 to K.C.C. chapter 21A.24.

1336 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
1337 native vegetation located outside of the critical area and critical area buffer shall be

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1338 retained to the maximum extent practical. Within the critical area and critical area buffer,
1339 vegetation removal is subject to K.C.C. chapter 21A.24.

1340 SECTION 4614. Ordinance 3688, Section 409(4), as amended, and K.C.C.
1341 21A.25.180 are each hereby amended to read as follows:

1342 Any dock, pier, moorage pile or buoy, float or launching facility authorized by
1343 this chapter shall be subject to the following conditions:

1344 A. Docks, piers, moorage piles or buoys, floats or launching facilities are allowed
1345 only for water dependent uses or for public access and shall be limited to the minimize
1346 size necessary to support the use. New private boat launch ramps are not allowed;

1347 B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on
1348 marine waters:

1349 1. Must include an evaluation of the nearshore environment and the potential
1350 impact of the facility on that environment; and

1351 2. Avoid impacts to critical saltwater habitats unless an alternative alignment or
1352 location is not feasible;

1353 C. In the High Intensity, Residential, Rural and Conservancy environments, the
1354 following standards apply:

1355 1. Only one dock, pier, moorage pile or buoy, float or launching facility may be
1356 allowed for a single detached residential lot and only if the applicant demonstrates there
1357 is no feasible practical alternative;

1358 2. For subdivisions or short subdivisions or for multiunit dwelling unit
1359 development proposals:

1360 a. Only one joint use dock, pier, float or launching facility is allowed; and

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1361 b. One moorage pile or buoy if a dock, pier, float or launching facility is
 1362 allowed or two moorage piles or buoys if a dock, pier, float or launching facility is not
 1363 allowed;

1364 3. Only one dock, pier, moorage pile or buoy, float or launching facility is
 1365 allowed for each commercial or industrial use; and

1366 4. Multiuser recreational boating facilities serving more than four single
 1367 detached residences shall comply with K.C.C. 21A.25.120~~(-)~~;

1368 D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or
 1369 launching facility for a commercial or manufacturing use must be located at least two
 1370 hundred fifty feet from another dock or pier;

1371 E. In the Resource and Forestry Shoreline environments, only one dock, pier,
 1372 moorage pile or buoy, float or launching facility is permitted and only as an accessory use
 1373 to a residential use or to support a resource or forestry use;

1374 F. In the Natural environment, a dock, pier, moorage pile or buoy, float or
 1375 launching facility is prohibited;

1376 G. In freshwater lakes:

1377 1. A new pier, dock or moorage pile for residential uses shall meet the following
 1378 requirements:

New Pier, Dock or Moorage Piles			Dimensional and Design Standards
a.	Maximum Area: surface coverage, including all	(1)	480 square feet for single dwelling unit;

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	attached float decking, ramps, ells and fingers			
		(2)	700 square feet for joint-use facility used by 2 dwelling units;	
		(3)	1000 square feet for joint-use facility used by 3 or more dwelling units;	
		(4)	These area limitations shall include platform lifts;	
		(5)	150 square feet for float for a single dwelling unit; and	
		(6)	Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.	
b.	Maximum Length for piers, docks, ells, fingers and attached floats	(1)	(A)	On Lake Washington and Lake Sammamish, 150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and
			(B)	On all other freshwater lakes, the shorter of: 80 feet or the point where the water depth is 13 feet below ordinary high water
		(2)	26 feet for ells; and	

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		(3)	20 feet for fingers and float decking attached to a pier
c.	Maximum Width	(1)	4 feet for pier or dock walkway or ramp;
		(2)	6 feet for ells;
		(3)	2 feet for fingers;
		(4)	6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and
		(5)	For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.
d.	Height of piers and diving boards	(1)	Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier;
		(2)	Maximum of 3 feet above deck surface for diving boards or similar features;
		(3)	Maximum of 3 feet above deck for safety railing, which shall be an open framework.
e.	Minimum Water Depth for ells and float decking attached to a pier	(1)	Must be in water with depths of 10 feet or greater at the landward end of the float
		(2)	Must be in water with depths of 9 feet or greater at the landward end of the ell or finger

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f.	Decking for piers, docks walkways, platform lifts, ells and fingers	(1)	If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 feet of grating down the center of the entire float shall be provided
		(2)	Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material
g.	Location of ells, fingers and deck platforms	(1)	Within 30 feet of the OHWM, only the pier walkway or ramp is allowed
		(2)	No closer than 30 feet waterward of the OHWM, measured perpendicular to the OHWM
h.	Pilings and Moorage Piles	(1)	Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.
		(2)	First set of pilings or moorage piles located no closer than 18 feet from OHWM
		(3)	Moorage piles shall not be any farther waterward than the end of the pier or dock
i.	Mitigation		Plantings or other mitigation as provided in subsection L. of this section.

1379 2. On Lake Washington and Lake Sammamish, the department may approve the

1380 following modifications to a new pier proposal that deviates from the dimensional

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1381 standards of subsection G.1. of this section if both the U.S. Army Corps of Engineers and
 1382 Washington state Department of Fish and Wildlife have approved an alternate project
 1383 design. In addition, the following requirements and all other applicable provisions in this
 1384 chapter shall be met:

	Administrative Approval for Alternative Design of New Pier or Dock	Requirements	
a.	State and Federal Agency Approval	U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved proposal	
b.	Maximum Area	No larger than authorized through state and federal approval	
c.	Maximum Width	(1)	Except as provided in c.ii. of this subsection, the pier and all components shall meet the standards noted in subsection G.1. of this section.
		(2)	4 feet for portion of pier or dock located within 30 feet of the OHWM; and 6 feet for walkways
d.	Minimum Water Depth	No shallower than authorized through state and federal approval	

1385 3.a. A replacement of an existing pier or dock shall meet the following
 1386 requirements:

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	Replacement of Existing Pier or Dock	Requirements	
(1)	Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)	Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.	
(2)	Mitigation	(a)	Existing skirting shall be removed and may not be replaced.
		(b)	Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.

1387

1388 b. On Lake Washington and Lake Sammamish, the department may approve the
1389 following modifications to a pier replacement proposal that deviates from the
1390 dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of
1391 Engineers and Washington state Department of Fish and Wildlife have approved an
1392 alternate project design. With submittal of a building permit, the applicant shall provide
1393 documentation that the U.S. Army Corps of Engineers, and the Washington state

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1394 Department of Fish and Wildlife have approved the alternative proposal design. In
 1395 addition, the following requirements and all other applicable provisions in this chapter
 1396 shall be met;

Administrative Approval for Alternative Design of Replacement Pier or Dock		Requirements
(1)	State and Federal Agency Approval	U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal
(2)	Maximum Area	No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater
(3)	Maximum Length	26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section
(4)	Maximum Width	(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways
		(b) 8 feet for ells and float decking attached to a pier
		(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide
		(d) Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section
(5)	Minimum Water Depth	No shallower than authorized through state and federal approval

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1397 4. Proposals involving the addition to or enlargement of existing piers or docks
 1398 must comply with the requirements in the following table. These provisions shall not be
 1399 used in combination with the provisions for new or replacement piers in subsection G.1.
 1400 or G.3. of this section.

	Addition to Existing Pier or Dock	Requirements	
a.	Addition or enlargement	(1)	Must demonstrate that there are no alternatives with less impact on the shoreline; and
		(2)	Must demonstrate that there is a need for the enlargement of an existing pier or dock and that there are no alternatives with less impact on the shoreline Examples of need include, but are not limited to safety concerns or inadequate depth of water
b.	Dimensional standards	Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in subsection G.1. of this section.	
c.	Decking for piers, docks walkways, ells and fingers	Must convert an area of decking within 30 feet of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of fifty percent light transmittance through the material	
d.	Mitigation	(1)	Existing skirting shall be removed and may not be replaced

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		(2)	Existing in-water and overwater structures located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures or pier or dock walkways or piers, shall be removed at a 1:1 ratio to the area of the addition
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1401 5.a. Repair proposals that replace only decking or decking substructure and less
 1402 than fifty percent of the existing pier-support piles must comply with the following
 1403 regulations:

Minor Repair of Existing Pier or Dock		Requirements	
(1)	Replacement pilings or moorage piles	(a)	Must use materials as described under subsection G.1.h(3) of this section
		(b)	Must minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations
(2)	Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure		Must replace any solid decking surface of the pier or dock located within 30 feet of the OHWM with a grated surface material that allows a minimum of fifty percent light transmittance through the material

1404 b. Other repairs to existing legally established moorage facilities where the
 1405 nature of the repair is not described in this subsection shall be considered minor repairs
 1406 and are permitted, consistent with all other applicable codes and regulations. If

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1407 cumulative repairs of an existing pier or dock would make a proposed repair exceed the
 1408 threshold for a replacement pier established in subsection G.3. of this section, the repair
 1409 proposal shall be reviewed under subsection G.1. of this section for a new pier or dock,
 1410 except as described in subsection G.3.b. of this section for administrative approval of
 1411 alternative design((-));

1412 H. Boatlifts, personal watercraft lifts, boatlift canopies and moorage piles may be
 1413 permitted as an accessory to piers and docks, subject to the following regulations:

Boatlift, Personal Watercraft Lift, Boat Canopy and Moorage Piles		Requirements	
1.	Location	a.	Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM
		b.	Boat lifts are not permitted within the Maury Island Environmental Aquatic Reserve
		c.	The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be a least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier
		d.	Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock
2.	Maximum Number	a.	1 free-standing or deck-mounted boatlift per dwelling unit

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		b.	1 personal watercraft lift or 1 fully grated platform lift per dwelling unit
		c.	1 boatlift canopy per dwelling unit, including joint use piers
3.	Canopy Materials	a.	Must be made of translucent fabric materials.
		b.	Must not be constructed of permanent structural material.
4.	Fill for Boatlift	a.	Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:
		b.	May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate
		c.	Must be clean
		d.	Must consist of rock or precast concrete blocks
		e.	Must only be used to anchor the boatlift
		f.	Minimum amount of fill is used to anchor the boatlift;

- 1414 I. Moorage buoys shall meet the following conditions:
- 1415 1. Buoys shall not impede navigation;
- 1416 2. The use of buoys for moorage of recreational and commercial vessels is
- 1417 preferred over pilings or float structures;
- 1418 3. Buoys shall be located and managed in a manner that minimizes impacts to
- 1419 eelgrass and other aquatic vegetation;
- 1420 4. Preference should be given mid-line float or all-rope line systems that have
- 1421 the least impact on marine vegetation;
- 1422 5. New buoys that would result in a closure of local shellfish beds for future
- 1423 harvest shall be prohibited; and

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1424 6. No more than four buoys per acre are allowed((-));

1425 J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other

1426 overwater structure or device shall meet the following setback requirements:

1427 a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use

1428 shall comply with the following location standards:

New Pier, Dock, Boatlift and Moorage Pile or Buoy		Minimum Setback Standards
(1)	Side property lines	15 feet
(2)	Another moorage structure not on the subject property, excluding adjacent moorage structure that does not comply with required side property line setback	25 feet, except that this standard shall not apply to moorage piles
(3)	Outlet of an aquatic area, including piped streams	Maximum distance feasible while meeting other required setback standards established under this section
(4)	Public park	Outside of the urban growth area, 25 feet

1429 b. Joint-use structures may abut property lines when the property owners

1430 sharing the moorage facility have mutually agreed to the structure location in a contract

1431 recorded with the King County division of records and elections to run with the

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1432 properties. A copy of the contract must accompany an application for a building permit
 1433 or a shoreline permit.

1434 2. An overwater structure may abut property lines for the common use of
 1435 adjacent property owners

1436 K. On marine shorelines, a new, repaired, or replaced pier, dock or float for
 1437 residential uses shall meet the following requirements:

Pier, Dock or Float on Marine Waters			Dimensional and Design Standards
1.	Maximum Area: surface coverage, including all attached float decking and ramps	a.	480 square feet for single dwelling unit;
		b.	700 square feet for joint-use facility used by 2 dwelling units;
		c.	1000 square feet for joint-use facility used by 3 or more dwelling units;
		d.	These area limitations shall include platform lifts; and
		e.	240 square feet for float for a single dwelling unit.
2.	Maximum Width	a.	4 feet for pier or dock for single dwelling unit;
		b.	6 feet for pier or dock for joint use facility; and
		c.	4 feet for ramp connecting to a pier or float

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3.	Floats	a.	For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float;
		b.	For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float;
		c.	To the maximum extent practical, floats must be installed with the length in the north-south direction;
		d.	If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location;
		e.	Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubs not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris;
		f.	Flotation components shall be installed under the solid portions of the float, not under the grating; and
		g.	If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length.

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4.	Float stops	a.	To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations;
		b.	If float stops attached to pilings are not feasible (this must be explained in the application), then up to four 10 inch diameter stub pilings can be installed instead;
		c.	Float feet attached to the float may be considered an option only under these circumstances: (1) in coarse substrate with 25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (2) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate;
		d.	For repair or replacement of existing float feet if: (1) substrate contains mostly gravel; and (2) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and
		e.	Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers or float support/stub pilings as follows: (1) For a single-use float, a

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			<p>maximum of 4 piling (not including stub piling) or helical screw or “duckbill” anchors can be installed to hold the float in place.</p> <p>(2) For a joint-use float, a maximum of 8 piling or helical screw or "duckbill" anchors can be installed to hold the float in place.</p> <p>(3) If anchors and anchor lines need to be used, the anchor lines shall not rest on the substrate at any time. (4) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted.</p>
5.	Decking for piers, docks walkways, platform lifts, ells and fingers	a.	Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, boards or furniture;
		b.	Grating shall be kept clean of algae, mud or other debris that may impede light transmission;
		c,	Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material;
		d.	Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration;

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		e.	Overwater structures shall incorporate as much functional grating as possible. Grating needs to have a minimum of 60% open area; and
		f.	The area of floating boat lifts to be moored at the overwater structure shall be included in the float grating calculations.
6.	Pier or dock configuration		Only straight line piers or docks are allowed. Ells, fingers or "T" shaped docks and piers are not allowed.
7.	Pilings and Moorage Piles	a.	Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds;
		b.	Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood. Any piling subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations;
		c.	New piling associated with a new pier must be spaced at least 20 feet apart lengthwise along the structure, unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas shall be spaced at least 40 feet apart;

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		d.	If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2 feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material. Hydraulic water jets cannot be used to remove piling;
		e.	A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats; and
		f.	Dolphins are not permitted.
8.	Mitigation		Plantings or other mitigation as provided in subsection L. of this section((-));

1438 L. New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat
 1439 canopies and moorage piles or buoys shall comply with the following:

1440 1. Existing habitat features, such as large and small woody debris and substrate
 1441 material, shall be retained and new or expanded moorage facilities placed to avoid
 1442 disturbance of such features;

1443 2. Invasive weeds, such as milfoil, may be removed as provided in K.C.C.
 1444 chapter 21A.24; and

1445 3. In order to mitigate the impacts of new or expanded moorage facilities, the
 1446 applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a
 1447 minimum of ten feet wide along the entire length of the lot immediately landward of
 1448 ordinary high water mark. Planting shall consist of native shrubs and trees and, when

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1449 possible, emergent vegetation. At least five native trees will be included in a planting
1450 plan containing one or more evergreen trees and two or more trees that like wet roots,
1451 such as willow species. Such planting shall be monitored for a period of five years
1452 consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24.

1453 This subsection is not intended to prevent reasonable access through the shoreline critical
1454 area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

1455 M. Except as otherwise provided for covered boat lifts under subsection H. of
1456 this section, covered docks or piers, covered moorages(;) and covered floats(~~and other~~
1457 ~~covered structures~~)) are not permitted waterward of the ordinary high water mark; and

1458 N. No dwelling unit may be constructed on a dock or pier. A water related or
1459 water enjoyment use may be allowed on a dock, pier or other over-water structure only as
1460 part of a mixed-use development and only if accessory to and in support of a water-
1461 dependent use.

1462 SECTION 4715. Ordinance 3688, Section 801, as amended, and K.C.C.
1463 21A.25.290 are each hereby amended to read as follows:

1464 A. Development within the shoreline jurisdiction, including preferred uses and uses
1465 that are exempt from permit requirements, shall be undertaken only if that development is
1466 consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County
1467 shoreline master program and will not result in a net loss of shoreline ecological functions
1468 or in a significant adverse impact to shoreline uses, resources and values, such as
1469 navigation, recreation and public access. The proponent of a shoreline development shall
1470 employ measures to mitigate adverse impacts on shoreline functions and processes
1471 following the sequencing requirements of K.C.C. 21A.25.080.

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1472 B. A substantial development permit shall be required for all proposed uses and
1473 modifications within the shoreline jurisdiction unless the proposal is specifically exempt
1474 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040
1475 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of
1476 substantial development, a written statement of exemption is required for any proposed
1477 uses and modifications if:

- 1478 1. WAC 173-27-050 applies; or
- 1479 2. Except for the maintenance of agricultural drainage that is not used by
1480 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
1481 modification will occur (~~at or below~~) waterward of the ordinary high water mark.

1482 C. Whether or not a written statement of exemption is required, all permits issued
1483 for development activities within the shoreline jurisdiction shall include a record of review
1484 indicating compliance with the shoreline master program and regulations.

1485 D. As necessary to ensure consistency of the project with the shoreline master
1486 program and this chapter, the department may attach conditions of approval to a substantial
1487 development permit or a statement of exemption or to the approval of a development
1488 proposal that does not require either.

1489 E. The department may issue a programmatic statement of exemption as follows:

- 1490 1. For an activity for which a statement of exemption is required, the activity
1491 shall:
 - 1492 a. be repetitive and part of a maintenance program or other similar program;

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1493 b. have the same or similar identifiable impacts, as determined by the
1494 department, each time the activity is repeated at all sites covered by the programmatic
1495 statement of exemption; and

1496 c. be suitable to having standard conditions that will apply to any and all sites;

1497 2. The department shall uniformly apply conditions to each activity authorized
1498 under the programmatic statement of exemption at all locations covered by the statement of
1499 exemption. The department may require that the applicant develop and propose the
1500 uniformly applicable conditions as part of the statement of exemption application and may
1501 approve, modify or reject any of the applicant's proposed conditions. The department shall
1502 not issue a programmatic statement of exemption until applicable conditions are developed
1503 and approved;

1504 3. Activities authorized under a programmatic statement of exemption shall be
1505 subject to inspection by the department. The applicant may be required to notify the
1506 department each time work subject to the programmatic statement of exemption is
1507 undertaken for the department to schedule inspections. In addition, the department may
1508 require the applicant to submit periodic status reports. The frequency, method and contents
1509 of the notifications and reports shall be specified as conditions in the programmatic
1510 statement of exemption;

1511 4. The department may require revisions, impose new conditions or otherwise
1512 modify the programmatic statement of exemption or withdraw the programmatic statement
1513 of exemption and require that the applicant apply for a standard statement of exemption, if
1514 the department determines that:

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1515 a. The programmatic statement of exemption or activities authorized under the
1516 statement of exemption no longer comply with law;

1517 b. The programmatic statement of exemption does not provide adequate
1518 regulation of the activity;

1519 c. The programmatic statement of exemption conditions or the manner in which
1520 the conditions are implemented are not adequate to protect against the impacts resulting
1521 from the activity; or

1522 d. A site requires site-specific regulation; and

1523 5. If an activity covered by a programmatic statement of exemption also requires
1524 other county, state and federal approvals, to the extent feasible, the department shall
1525 attempt to incorporate conditions that comply with those other approvals into the
1526 programmatic statement of exemption.

1527 F. A statement of exemption is not required for maintenance of agricultural
1528 drainage ~~for~~ agricultural waterways used by salmonids if:

1529 1. The maintenance project is conducted in compliance with a hydraulic project
1530 approval issued by the Washington Department of Fish and Wildlife pursuant to ~~((RCW))~~
1531 chapter 77.55 RCW;

1532 2. The maintenance project complies with the King County agricultural drainage
1533 assistance program as agreed to by the Washington Department of Fish and Wildlife, the
1534 department of permitting and environmental review and the department of natural resources
1535 and parks, and as reviewed by the Washington Department of Ecology;

1536 3. The person performing the agricultural drainage maintenance and the land
1537 owner has attended training provided by King County on the King County agricultural

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1538 drainage assistance program and the best management practices required under that
1539 program; (~~and~~)

1540 4. The maintenance project complies with the requirements of K.C.C. chapter
1541 16.82; and

1542 5. The project is not subject to federal permitting related to the U.S. Army Corps
1543 of Engineers ~~section-Section ten-10 or Ssection 404four hundred and four~~ permits.

1544 SECTION 186. Ordinance 3688, Section 802, as amended, and K.C.C. 21A.
1545 25.300 are each hereby amended to read as follows:

1546 In the case of development subject to the permit requirements of this chapter,
1547 applicants may need to obtain other permits and comply with other nonshoreline King
1548 County regulations. King County shall not issue any other permit for such development
1549 until such time as approval has been granted under this chapter. Any development
1550 subsequently authorized by King County shall be subject to the same terms and conditions
1551 that apply to the development authorized under this chapter.

1552 SECTION 179. Ordinance 3688, Section 806, as amended, and K.C.C. 21A,25.310
1553 are each hereby amended to read as follows:

1554 The review of applications for the expansion, modification, reestablishment or
1555 replacement of a nonconforming use or development shall be in accordance with K.C.C.
1556 chapter 21A.32.

1557 SECTION 2018. Ordinance 3688, Section 805, as amended, and K.C.C.
1558 21A.44.100 are each hereby amended to read as follows:

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1559 A. A shoreline conditional use shall be granted by the department for conditional
1560 uses identified in K.C.C. ~~((21A.25.130))~~ 21A.25.100 and ~~((21A.25.170))~~ 21A.25.160 as
1561 shoreline conditional uses only if the applicant demonstrates that((=

1562 ~~1. The review criteria of WAC 173-27-160 have been met((= and~~
1563 ~~2. The use will promote or not interfere with public use of surface waters)).~~

1564 B. A shoreline conditional use may be granted by the department for uses not
1565 identified as conditional uses in K.C.C. ~~((21A.25.140))~~ 21A.25.100 and ~~((21A.25.170))~~
1566 21A.25.160 only if the applicant demonstrates that:

- 1567 1. The criteria in subsection A. of this section have been met;
1568 2. The use is not specifically prohibited in the shoreline environment;
1569 3. The use clearly requires specific site location on the shoreline not provided
1570 for under the shoreline master program; and
1571 4. Extraordinary circumstances preclude reasonable use of the property in a
1572 manner consistent with the use regulations of the K.C.C. chapter 21A.25.

1573 C. The burden of proving that a proposed shoreline conditional use meets the
1574 criteria enumerated in this section shall be on the applicant. Absence of ~~((such))~~ that proof
1575 shall be grounds for denial of the application.

1576 SECTION 24.19. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205
1577 are each hereby repealed.

1578 ~~SECTION 22. Ordinance 15051, Section 57, as amended, and K.C.C. 21A.06.513~~
1579 ~~are each hereby repealed.~~

Commented [AE18]: Removed – not a shoreline regulation.
Will be incorporated into a non-shoreline omnibus.

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1580 ~~SECTION 2320. In accordance with section 1 of this ordinance and K.C.C.~~
1581 ~~20.12.200, the executive shall submit this ordinance to the state Department of Ecology~~
1582 ~~for its approval of the standards as provided in RCW 90.58.090.~~

1583 ~~SECTION 21. This ordinance takes effect within the shoreline jurisdiction~~
1584 ~~fourteen days after the Department of Ecology provides written notice of final action~~
1585 ~~stating that the proposal is approved, in accordance with RCW 90.58.909. The executive~~
1586 ~~shall provide the written notice of final action to the clerk of the council.~~

1587 ~~The executive shall send this ordinance to the state department of ecology for review and~~
1588 ~~approval as part of the county's shoreline master program.~~

1589 ~~SECTION 2422. Severability. If any provision of this ordinance or its~~
1590 ~~application to any person or circumstance is held invalid, the remainder of the ordinance~~
1591 ~~or the application of the provision to other persons or circumstances is not affected. If any~~
1592 ~~provision of this ordinance or its application to any person or any circumstance is held~~
1593 ~~invalid, the remainder of the ordinance or the application of the provision to other persons~~
1594 ~~or circumstances is not affected.~~

Commented [AE19]: Gives direction to clerk and Executive on the effective date of the ordinance.

Commented [AE20]: Corrected language.