

Proposed No.: 2024-0408

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SECTION 1. Findings:

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881. Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

18 C. King County reviewed BAS and updated its critical areas policies and
19 development regulations. The county's current BAS review builds on the county's 2004
20 BAS review and was informed by GMA and state guidance documents, updated BAS for
21 critical areas developed by state natural resources agencies, supplemental scientific
22 literature, county experience in implementing critical area regulations since 2004,
23 consideration of the county's unique land use context, and the need to meet multiple
24 GMA goals.

25 D. The October 2024 Best Available Science Review and Updates to Critical
26 Areas Protections report summarizes GMA requirements for review and inclusion of
27 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes
28 tribal consultation and community engagement, details the approach and scope for BAS
29 review, reviews Comprehensive Plan considerations, and identifies regulatory updates
30 and nonregulatory actions to strengthen protection and ensure no net loss of critical areas
31 functions and values. As required by GMA, where policies and development regulations
32 depart from BAS, the report provides information and rationale to support departures,
33 assesses potential risks to critical areas functions and values, and describes regulatory and
34 nonregulatory actions to mitigate risk.

35 E. Comprehensive Plan policies, land use designations, zoning classifications,
36 and development regulations work in concert with nonregulatory actions, including land
37 conservation and habitat restoration to ensure no net loss of critical area functions and
38 values.

39 F. The proposed updates to critical areas regulations strengthen protections for
40 critical areas functions and values while advancing the goals of GMA, including the

41 designation and protection of resource lands and industries, housing accommodation,
42 protection of property rights, and prevention of urban sprawl, all within the unique land
43 use and development context of unincorporated King County.

44 G. The adoption of this ordinance completes all the requirements of the update
45 required under RCW 36.70A.130.

46 SECTION 2.

47 A. Attachment A to this ordinance is adopted as amendments to the 2024 King
48 County Comprehensive Plan, as adopted in Ordinance 19881.

49 B. The elements of the 2024 King County Comprehensive Plan in Attachment A
50 to this ordinance are hereby amended to read as set forth in this ordinance and are
51 incorporated herein by this reference.

52 C. The elements of the King County Shoreline Master Program in sections 49,
53 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84,
54 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance are hereby
55 amended to read as set forth in this ordinance and are incorporated herein by this
56 reference.

57 SECTION 3. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are
58 hereby amended to read as follows:

59 A. ~~((For the purposes of this section, t))~~The definitions in K.C.C. 16.82.020 apply
60 to the activities described in this section. If a term is not defined, then the definition in
61 K.C.C. chapter 21A.06 apply ~~((to the activities described in this section, if the terms are~~
62 ~~not defined in K.C.C. 16.82.020))~~. Where definitions in K.C.C. 16.82.020 differ from the

definitions in K.C.C. chapter 21A.06, the definitions in K.C.C. 16.82.020 (~~shall apply~~)
control.

B. The activities in subsection D. of this section are exempted from the
requirement of obtaining a clearing or grading permit but only if those activities
conducted in critical areas (~~are in compliance~~) comply with the standards in this chapter
and in K.C.C. chapter 21A.24 and are legally established. Activities exempt from
obtaining a clearing and grading permit are not exempt from other code requirements and
may require other permits, including, but not limited to, a floodplain development permit.

C. Clearing and grading permit (~~requirement~~) exemptions in the table in
subsection D. of this section shall be interpreted as follows:

1. The use of "NP" in a cell means that a clearing or grading permit is not
required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24
are met;

2. A number in a cell means the numbered condition in subsection E. of this
section applies, and:

a. where a series of numbers separated by commas are in a cell, each of the
numbered conditions for that activity applies; and

b. if more than one letter-number combination appears in a cell, the conditions
of at least one letter-number combination(~~s~~) shall be met for a given exemption to
apply;

3. In cases where an activity may be included in more than one activity
category, the most-specific description of the activity shall govern whether a permit is
required;

86 4. For activities ~~((involving more than one critical area))~~ where one or more
87 critical areas are present, compliance with the conditions applicable to each critical area
88 is required; and

89 5. Clearing and grading permits are required when a cell is empty and for
90 activities not listed on the table.

91 D. Clearing and grading permit ~~((requirement))~~ exemptions.

	Out of Critic cal Area and Buff er	Coal Mine Haza rd <u>Area</u>	Erosio n Hazar d <u>Area</u>	Floo d Haza rd <u>Area</u>	Chan nel Migr ation <u>Haza rd Area</u>	Lands lide & <u>Steep Slope</u> Hazar d <u>Areas</u> and Buffer	Seis mic, <u>Volc anic, and Tsun ami Haza rd Area</u>	((Vol canic Haza rd))	((Ste ep Slope Haza rd and Buffe r)) <u>Alluv ial Fan Haza rd Area</u>	Critic al Aquif er Recha rge Area	Wetl and Buff er	Aqua tic Area and ((Buf fer)) <u>Ripar ian Area</u>	Wildli fe Habita t Netwo rk and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P1,		NP 1, 2			

								2))					
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((NP P 3))		NP 3	((NP P 4))	((NP P 4))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((NP P 5))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((NP P 6))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((NP P 25))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((NP P))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((NP P 7))	<u>NP</u> 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((NP P 9))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((NP P 10))	NP 10	NP 10	NP 10	NP 10	NP 10

Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	((N P 11))	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((N P 12))	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((N P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((N P 13, 14, 15))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((Construction of farm field access drive))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))
((Maintenance of farm field access drive))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((N P 19))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or	NP		NP				NP	((N		NP			

maintenance of utility corridors or facility outside of the right-of-way	1, 2, 3 NP 27		1, 2, 3				1, 2, 3	P 1, 2, 3))		1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((N P 20))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((N P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat	NP	NP	NP	NP	NP	NP	NP	((N	NP	NP	NP	NP	NP

((restoration)) creation or enhancement project		21	21	21	21	21	21	P 21))	21		21	21	21
Drilling and testing for critical areas((s)) report or monitoring and data collection	NP 1, 2, 22	NP ((4, 2)) 22	NP ((4, 2)) 22	NP 22	NP 22	NP 22	NP ((4, 2)) 22	((4, P4, 2))	NP 22	NP ((4, 2)) 22	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((4, P))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((4, P))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP ((46)) 17	NP ((46)) 17	NP ((46)) 17	NP ((46)) 17	NP ((46)) 17		NP ((46)) 17	((46 P 46))		NP ((46)) 17	NP ((46)) 17	NP ((46)) 17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((4, P 45))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((4, P 26))	NP 26	NP 26	NP 26	NP 26	NP 26

Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((N P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
<u>Construction of farm field access drive</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>		<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>
<u>Maintenance of farm field access drive</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>		<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((N P))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((N P))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP <u>13</u>	((N P))	NP 13	NP 13	NP 13	NP 13	NP 13

92 E. The following conditions apply:

- 93 1. Excavation less than five feet in vertical depth(($\frac{5}{1}$)) or fill less than three feet
- 94 in vertical depth that, cumulatively on a single site since January 1, 2005, does not
- 95 involve more than one hundred cubic yards on a single site.
- 96 2. Grading that produces less than two thousand square feet of new impervious
- 97 surface on a single site added after January 1, 2005, or that produces less than two

thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing on a single site since January 1, 2005 shall be limited to less than seven thousand square feet, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exemption shall not apply to development proposals:

- a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- b. in a critical drainage areas established by administrative rules;
- c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
- d. subject to Urban Growth Area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

~~4. ((Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.))~~ Repealed.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan((;)) or forest management plan((, or rural stewardship plan)).

121 8. Cumulative clearing on a single site since January 1, 2005, of less than seven
122 thousand square feet and either:

123 a. conducted in accordance with a farm management plan((;)) or a forest
124 management plan((, or a rural stewardship plan)); or

125 b. limited to removal with hand labor.

126 9. When conducted as a Class I, II, III₂ or IV-S forest practice as defined in
127 chapter 76.09 RCW and Title 222 WAC.

128 10. If done in compliance with K.C.C. 16.82.065.

129 11. Only when conducted by or at the direction of a government agency in
130 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
131 less than two thousand square feet of new impervious surface on a single site added after
132 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
133 wetland. For purposes of this subsection E.11., "new impervious surface" is defined in
134 K.C.C. 9.04.020.

135 12. Limited to clearing conducted by or at the direction of a government agency
136 or by a private utility that does not involve:

137 a. slope stabilization or vegetation removal on slopes; or

138 b. ditches that are used by ((salmonids)) fish.

139 13. In conjunction with normal and routine maintenance activities, if:

140 a. there is no alteration of a ditch or aquatic area that is used by ((salmonids;))
141 fish;

142 b. ((the structure, condition, or site maintained was constructed or created in
143 accordance with law; and

144 e.)) the maintenance does not expand the roadway, lawn, landscaping, ditch,
145 culvert, or other improved area being maintained; and

146 c. the maintenance does not involve the use of herbicides or other hazardous
147 substances within critical areas or associated buffers, except for the removal of noxious
148 weeds or invasive vegetation.

149 14. If a culvert is used by ~~((salmonids))~~ fish or conveys water used by
150 ~~((salmonids))~~ fish and there is no ~~((adopted))~~ approved farm management plan, the
151 maintenance is limited to removal of sediment and debris from the culvert and ~~((its))~~
152 associated inlet, invert, and outlet and the stabilization of the area within three feet of the
153 culvert where the maintenance disturbed or damaged the bank or bed and does not
154 involve the excavation of a new sediment trap adjacent to the inlet.

155 15. If used by salmonids, only ~~((in compliance))~~ when consistent with an
156 ~~((adopted))~~ approved farm management plan in accordance with K.C.C. Title 21A and
157 only if the maintenance activity is inspected by:

- 158 a. The King Conservation District;
159 b. King County department of natural resources and parks;
160 c. King County department of local services, permitting division; or
161 d. Washington state Department of Fish and Wildlife.

162 16. Only on a site where the primary use is agricultural activities, is within an
163 Agricultural Production District, enrolled in the Farmland Preservation Program, or
164 zoned A, and if:

- a. consistent with an ((adopted)) approved farm management plan in accordance with K.C.C. Title 21A, including any best management practices applicable to the activity;
- b. less than two-thousand square feet of impervious surface is created;
- c. access is not greater than fourteen feet wide;
- d. there is no alternative location with less impact on critical areas and associated buffers;
- e. in compliance with the farmland dispersion requirements in the Surface Water Design Manual;
- f. located where it is least subject to risk from channel migration;
- g. a floodplain development permit is obtained for any activity within the floodplain; and
- h. all other required state and federal permits have been obtained and activities comply with these permits.
17. Only if consistent with an approved farm management plan in accordance with K.C.C. Title 21A.
18. In accordance with a right-of-way construction permit.
19. Only within the roadway in accordance with a right-of-way construction permit.
20. When:
- a. conducted by a public agency;
- b. the height of the facility is not increased;
- c. the linear length of the facility is not increased;

188 d. the footprint of the facility is not expanded waterward;
189 e. done in accordance with the Regional Road Maintenance Guidelines;
190 f. done in accordance with the adopted King County Flood Management Plan
191 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat
192 Guidelines Program, 2002); and
193 g. monitoring is conducted for three years following maintenance or repair and
194 an annual report is submitted to the department.

195 21. Only if:

196 a. the activity is not part of a mitigation plan associated with another
197 development proposal or is not corrective action associated with a violation((;)), and
198 ~~((b. the activity is sponsored or cosponsored by a government agency that has~~
199 ~~natural resource management as its primary function and the activity is))~~ limited to((;
200 (4))) revegetation of the critical area and ((its)) associated buffer with native
201 vegetation or climate-adaptive plants, or the removal of noxious weeds or invasive
202 vegetation using only hand labor; or
203 b. the activity is sponsored or cosponsored by a government agency that has
204 natural resource management as its primary function and limited to:
205 (1) revegetation of the critical area and associated buffer with native
206 vegetation or climate-adaptive plants;
207 (2) the removal of noxious weeds or invasive vegetation;
208 (3) placement of weirs, log controls, spawning gravel, ((woody debris)) large
209 wood, and ((other specific salmonid)) similar fish habitat improvements; and
210 ~~((3))~~ (4) hand labor except:

211 (a) the use of riding mower or light mechanical cultivating equipment and
212 herbicides or biological control methods when prescribed by the King County noxious
213 weed control board for the removal of noxious weeds or invasive vegetation; or

214 (b) the use of helicopters or cranes if they have no contact with or otherwise
215 disturb the critical area or ~~((its))~~ associated buffer.

216 22. If done with hand equipment ~~((and))~~, minimal grading including site access,
217 does not involve any clearing, and equipment is removed when work is concluded.

218 23. Clearing for the purposes of wildfire preparedness that does not otherwise
219 require another permit and that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A, as
220 follows:

221 a. understory clearing within fifteen feet of a residential structure containing
222 habitable space or an attached deck;

223 b. understory clearing and tree removal and pruning within ten feet of an
224 installed aboveground nonportable liquefied petroleum gas tank;

225 c. within thirty feet of a residential structure containing habitable space,
226 understory clearing and tree pruning underneath a tree crown to provide up to ten feet of
227 vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed
228 one-third of the tree height;

229 d. within thirty feet of a residential structure containing habitable space, tree
230 removal and pruning to provide up to fifteen feet of vertical clearance over driveways and
231 roads used for emergency vehicle access;

232 e. within thirty feet of a residential structure containing habitable space, tree
233 removal and pruning to provide up to eighteen feet between tree crowns;

234 f. tree removal and pruning to provide up to ten feet between tree crowns and
235 decks, chimneys, overhead communication cables and electrical wires, or other
236 structures; and

237 g. clearing may be allowed up to one hundred feet from a residential structure
238 containing habitable space if advised by a wildfire risk assessment conducted by a
239 professional holding a wildfire risk assessment certification or a forest stewardship plan
240 approved by the department of natural resources and parks that includes best management
241 practices to reduce wildfire risk. The removal and pruning of trees under this subsection
242 to provide clearance between tree crowns is limited to:

243 (1) twelve feet between tree crowns for trees between thirty and sixty feet
244 from a residential structure containing habitable space; and

245 (2) six feet between tree crowns for trees between sixty and one hundred feet
246 from a residential structure containing habitable space.

247 24. Limited to the removal of downed trees.

248 25. Except on properties that are:

249 a. subject to clearing limits included in property-specific development
250 standards and special district overlays under K.C.C. chapter 21A.38; or

251 b. subject to Urban Growth Area significant tree retention standards under
252 K.C.C. 16.82.156.

253 26. Only if allowed under K.C.C. 21A.24.045.D.~~((69))~~58. and if the
254 maintenance activity is inspected by the:

255 a. King Conservation District;

256 b. department of natural resources and parks;

257 c. department of local services, permitting division; or
258 d. Washington state Department of Fish and Wildlife.

259 27. Clearing for the purposes of wildfire preparedness that does not otherwise
260 require another permit, that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A., and
261 that maintains any require screening consistent with K.C.C. chapter 21A.16, as follows:

262 a. tree pruning to provide up to ten feet of vertical clearance from overhead
263 communication cables and electrical wire components of utility facilities, if:

264 (1) all debris is removed following the pruning activity;
265 (2) the activity is authorized by a right-of-way construction permit, if
266 applicable; and

267 (3) pruning activities do not extend fifteen feet beyond the right-of-way;

268 b. understory clearing within fifteen feet of a utility facility structure; and

269 c. within thirty feet of a utility facility structure, understory clearing and tree
270 pruning underneath a tree crown to provide up to ten feet of vertical clearance from the
271 ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;

272 d. within thirty feet of a utility facility structure, tree removal and pruning to
273 provide up to fifteen feet of vertical clearance over driveways and roads used for
274 emergency vehicle access;

275 e. within thirty feet of a utility facility structure, tree removal to provide up to
276 eighteen feet between tree crowns;

277 f. tree removal and pruning to provide up to ten feet between tree crowns and
278 utility and facility structures; and

g. clearing may be allowed up to one hundred feet from the utility facility structure if such clearing activity is advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risks. The removal and pruning of trees to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees located between thirty and sixty feet from a utility facility structure; and

(2) six feet between tree crowns for trees located between sixty and one hundred feet from a utility facility structure.

SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881, and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

302 SECTION 5. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are
303 hereby amended to read as follows:

304 A. The King County shoreline master program consists of the following
305 elements, enacted on or before ~~((December 23, 2024))~~ the date of enactment of this
306 ordinance:

307 1. The King County Comprehensive Plan chapter six;

308 2. K.C.C. chapter 21A.25;

309 3. The following sections of K.C.C. chapter 21A.24:

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

311 b. K.C.C. 21A.24.051;

312 c. ~~((K.C.C. 21A.24.055;~~

313 ~~d.))~~ K.C.C. 21A.24.070.A., B.2., C.2., D., and E.;

314 ~~((e.))~~ d. K.C.C. 21A.24.125;

315 ~~((f.))~~ e. K.C.C. 21A.24.130;

316 ~~((g.))~~ f. K.C.C. 21A.24.133;

317 g. Section 63 of this ordinance;

318 h. K.C.C. 21A.24.200;

319 ~~((i. K.C.C. 21A.24.210;))~~

320 ~~((j. K.C.C. 21A.24.220;))~~

321 ~~((k.))~~ i. K.C.C. 21A.24.275;

322 ~~((l.))~~ j. K.C.C. 21A.24.280;

323 k. K.C.C. 21A.24.310, as recodified by this ordinance;

324 ~~((m.))~~ l. K.C.C. 21A.24.290;

325 m. Section 72 of this ordinance;

326 n. Section 73 of this ordinance;

327 ~~((h-))~~ o. K.C.C. 21A.24.300;

328 p. K.C.C. 21A.24.210, as recodified by this ordinance;

329 q. K.C.C. 21A.24.220, as recodified by this ordinance;

330 ~~((e- K.C.C. 21A.24.310;))~~

331 ~~((p-))~~ r. K.C.C. 21A.24.316;

332 ~~((q-))~~ s. K.C.C. 21A.24.318;

333 ~~((r-))~~ t. K.C.C. 21A.24.325;

334 ~~((s-))~~ u. K.C.C. 21A.24.335;

335 ~~((t-))~~ v. K.C.C. 21A.24.340;

336 ~~((u-))~~ w. K.C.C. 21A.24.355;

337 ~~((v-))~~ x. K.C.C. 21A.24.358;

338 ~~((w-))~~ y. K.C.C. 21A.24.365;

339 ~~((x-))~~ z. K.C.C. 21A.24.380;

340 ~~((y-))~~ aa. K.C.C. 21A.24.382;

341 ~~((z-))~~ bb. K.C.C. 21A.24.386; and

342 ~~((aa-))~~ cc. K.C.C. 21A.24.388;

343 4. The following:

344 a. K.C.C. 20.18.050;

345 b. K.C.C. 20.18.056;

346 c. K.C.C. 20.18.057;

347 d. K.C.C. 20.18.058;

- 348 e. K.C.C. 20.22.160;
349 f. K.C.C. 21A.32.045;
350 g. K.C.C. 21A.44.090;
351 h. K.C.C. 21A.44.100; ~~((and))~~
352 i. K.C.C. 21A.50.030; and

353 5. The 2024 King County Flood Management Plan.

354 B. The shoreline management goals and policies constitute the official policy of
355 King County regarding areas of the county subject to shoreline jurisdiction under chapter
356 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
357 administrative, enforcement, and permit review procedures shall conform to chapter
358 90.58 RCW but shall not be a part of the shoreline master program.

359 C. Amendments to the shoreline master program do not apply to the shoreline
360 jurisdiction until approved by the Washington state Department of Ecology (~~as~~
361 ~~provided~~) in accordance with RCW 90.58.090. The department of local services,
362 permitting division, shall, within ten days after the date of the Department of Ecology's
363 approval, file a copy of the Department of Ecology's approval, in the form of an
364 electronic copy, with the clerk of the council, who shall retain the original and provide
365 electronic copies to all councilmembers, the chief of staff, and the lead staff of the local
366 services and land use committee or its successor.

367 SECTION 6. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
368 hereby amended to read as follows:

369 A. The definitions in this section apply throughout this section, as well as in
370 K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise.

371 B. To be eligible for open space classification under the public benefit rating
372 system, a property shall contain one or more qualifying open space resources and have at
373 least five points as determined under this section. The department shall review each
374 application and recommend award of credit for current use of the property. In making the
375 recommendation, the department shall utilize the point system described in subsections
376 C. and D. of this section.

377 C. The following open space resources are each eligible for the points indicated:

378 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage"
379 means land in private ownership through which the owner agrees to allow public passage
380 for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a
381 connection between trails within the county's regional trails system and local or regional
382 attractions or points of interest, for trail users including equestrians, pedestrians,
383 bicyclists, and other users. "Local or regional attractions or points of interest" include
384 other trails, parks, waterways, or other recreational and open space attractions, retail
385 centers, arts and cultural facilities, transportation facilities, residential concentrations, or
386 similar destinations. The linkage shall be open to passage by the general public and the
387 property owner shall enter into an agreement with the county consistent with applicable
388 parks and recreation division policies to grant public access. To receive twenty-five
389 points, the property owner shall enter into an agreement with the county regarding
390 improvement of the trail, including trail pavement and maintenance. To receive fifteen
391 points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks
392 and recreation division is authorized to develop criteria for determining the highest
393 priority linkages for which it will enter into agreements with property owners;

394 2. Aquifer protection area - five points. "Aquifer protection area" means
395 property that has a plant community in which native plants are dominant and that
396 includes an area designated as a critical aquifer recharge area under K.C.C. chapter
397 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent
398 of the enrolling open space area or a minimum of one acre of open space shall be
399 designated as a critical aquifer recharge area. If the enrolling open space area does not
400 have a plant community in which native plants are dominant, revegetation shall occur
401 subject to a revegetation plan reviewed and approved by the department;

402 3. Buffer to public or current use classified land - three points. "Buffer to public
403 or current use classified land" means land that has a plant community in which native
404 plants are dominant or has other natural features, such as streams or wetlands, and that is
405 abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally
406 required to remain in a natural state, to a state or federal highway, or to a property
407 participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The
408 buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate
409 the public land, or land in private ownership classified under chapters 84.33 or 84.34
410 RCW, from the buffering land, if the entire buffer is at least as wide and long as the
411 adjacent section of the road easement. Landscaping or other nonnative vegetation may
412 not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the
413 native vegetation buffer. The department may grant an exception to the native vegetation
414 requirement for property along parkways with historic designation, upon review and
415 recommendation of the historic preservation officer of King County or the local
416 jurisdiction in which the property is located. Eligibility for this exception does not

extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met:

a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing;

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project

and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration ~~((categories))~~ category;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may

also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 (~~that is acceptable to the department~~) and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and

implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration (~~or rural stewardship land categories~~) category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed

on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points.

"Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land

devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for

medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

12. Rural open space - five points. "Rural open space" means an area of ~~((ten))~~ five or more contiguous acres of open space located outside of the Urban Growth Area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant; or
b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ~~((rural stewardship,))~~ or resource restoration plan acceptable to the department;

~~13. ((Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a~~

~~plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural
stewardship land, the open space shall be at least one acre and feature a plant community
in which native plants are dominant or be in the process of native vegetation restoration,
reforestation, or enhancement. Land receiving credit for this category may not receive
credit for the ecological enhancement land, resource restoration, or forest stewardship
land categories;~~

14.)) Scenic resource, viewpoint, or view corridor – five points.

a. "Scenic resource" means an area of natural or recognized cultural features
visually significant to the aesthetic character of the county. The site shall be significant
to the identity of the local area, be visible to a significant number of the general public
from public rights-of-way, be of sufficient size to substantially preserve the scenic
resource value, and enroll at least ten acres of open space.

b. A "viewpoint" means a property that provides a view of an area visually
significant to the aesthetic character of the county. A site shall provide a view of a scenic
natural or recognized cultural resource in King County or other visually significant area,
allow unlimited public access, and be identified by a permanent sign readily visible from
a road or other public right-of-way.

c. A "view corridor" means a property that contributes to the aesthetics of a
recognized view corridor critical to maintaining a public view of a visually significant
scenic natural or recognized cultural resource. The site shall contain at least one acre of
open space that contributes to a view corridor visible to the public and that provides
views of a scenic natural resource area or recognized cultural resource significant to the
local area. The site shall have ((a)) significant cultural areas and contain significant

inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction;

~~((15.))~~ 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department in order to qualify. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category;

~~((16.))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

a. "Significant wildlife or ~~((salmonid))~~ fish habitat" means:

(1) an area used by animal species listed as endangered, threatened, sensitive, or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local ~~((significance))~~ importance that are listed by the King County Comprehensive Plan or a local jurisdiction;

598 (2) an area where the species listed in subsection C.~~((16))~~15.a.(1) of this
599 section are potentially found with sufficient frequency for critical ecological processes,
600 such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

601 (3) a site that meets the criteria for priority habitats as defined by the
602 Washington state Department of Fish and Wildlife and that is so listed by the King
603 County Comprehensive Plan or by the local jurisdiction in which the property is located;
604 or

605 (4) a site that meets criteria for a wildlife habitat conservation area as defined
606 by the department or a local jurisdiction.

607 b. To be eligible, the department, by its own determination or by expert
608 determination acceptable to the department, shall verify that qualified species are present
609 on the property or that the land fulfills the functions described in subsection C.~~((16))~~15.a.
610 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a
611 buffer at least fifteen percent greater in width than required by any applicable regulation.
612 Property consisting mainly of disturbed or fragmented open space determined by the
613 department as having minimal wildlife habitat significance is ineligible;

614 ~~((17.))~~ 16. Special animal site - three points. "Special animal site" means a site
615 that includes a wildlife habitat network identified by the King County Comprehensive
616 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A
617 RCW, or a biodiversity area and corridor identified by the Washington state Department
618 of Fish and Wildlife's priority habitats and species project as of the date of the application
619 as identified by King County or local or state jurisdiction or by expert verification
620 acceptable to the department or local jurisdiction. Property consisting mainly of

disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

~~((18.))~~ 17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, ~~((rural stewardship,))~~ or resource restoration plan. Grazing use by livestock on such land is prohibited;

~~((19.))~~ 18. Urban open space - five points.

a. "Urban open space" means land located within the boundaries of a city or within the Urban Growth Area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

(3) the land promotes conservation of soils, wetlands, beaches, or tidal marshes;

(4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;

(5) the land enhances recreation opportunities for the general public; or

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

~~((20-))~~ 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration(~~((, or rural stewardship))~~) plan that addresses this need and is acceptable to the department.

D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows:

666 1. Conservation easement or historic preservation easement - eighteen points.
667 "Conservation easement or historic preservation easement" means land on which an
668 easement is voluntarily placed that restricts, in perpetuity, further potential development
669 or other uses of the property. The easement is subject to approval by the department and
670 shall be recorded with the King County recorder's office or its successor. The easement
671 shall be conveyed to the county or to an organization acceptable to the department, such
672 as a land trust or conservancy. Historic preservation easements are subject to approval by
673 the historic preservation officer of King County or of the local government jurisdiction in
674 which the property is located. An easement required by zoning, subdivision conditions,
675 or other land use regulation is not eligible unless an additional substantive easement area
676 is provided beyond that otherwise required;

677 2. Contiguous parcels under separate ownership - two points.

678 a. "Contiguous parcels under separate ownership" means at least two or more
679 parcels under different ownership where either:

680 (1) the enrolling parcels and open space acreage abut each other without a
681 significant human-made barrier separating them; or

682 (2) the enrolling parcels do not abut each other, but abut a publicly owned
683 open space, without a significant human-made barrier separating the publicly owned open
684 space and the open space portion of the parcels seeking open space classification.

685 b. Award of this category requires a single application by multiple owners and
686 parcels with identical qualifying public benefit rating system resources. Only a single
687 application fee is required.

c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program.

d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories.

e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner;

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property

designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

4. Public access - points depend on type and frequency of access allowed.

"Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic properties is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access (~~because of~~) due to resource sensitivity - five points.

Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner.

734 c. Seasonally limited public access - three points. Access by the public is
735 allowed only for part of the year due to seasonal conditions, as mutually agreed to
736 by the landowner and the department.

737 d. Environmental education access - three points. The landowner enters into
738 an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax
739 status, or, with the agreement of the department, with another community organization
740 that allows membership by the general public to provide environmental education to its
741 members or the public at large. The department shall verify that the enrolled portion of
742 the property has value for environmental education purposes.

743 e. None or members-only - zero points. No public access is allowed or the
744 access is allowed only by members of the organization using or owning the land; and

745 5. Resource restoration – five points. "Resource restoration" means restoration
746 of an enrolling area of property benefiting an area in an open space resource category.
747 Emphasis is placed on the restoration of native vegetation associated with anadromous
748 fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and
749 wetland habitats. The owner shall provide and implement a restoration plan approved by
750 the department. The plan may be developed in cooperation with a natural resource expert
751 or agency. The approved restoration plan shall, at a minimum, include a purpose
752 statement, a description of restoration work to be done, a detailed site map of the area to
753 be restored, a specific timeline for the restoration activities to be completed and a
754 monitoring schedule for the restoration project's first five years. Historic resource
755 restoration is subject to approval by the King County historic preservation officer or
756 officer of another certified local government in the jurisdiction in which the property is

located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land~~((;))~~ or forest stewardship land~~((; or rural stewardship land))~~ categories.

SECTION 7. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

A.1. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations ~~((subject to the following;))~~.

~~((1.))~~ 2. The ~~((following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)))~~ exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level. The exemptions in subsection A.3. of this section shall not apply when the proposal:

a. is undertaken wholly or partly on lands covered by water;

b. requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

c. requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or

d. requires a land use decision that is not exempt under WAC 197-11-800(6).

780 3. The county adopts the following thresholds for minor new construction under
781 WAC 197-11-800(1):

782 a. The construction or location of ~~((any residential structures of))~~ up to twenty
783 dwelling units within the ~~((boundaries of an u))~~ Urban ((g))Growth ((a))Area((;)) or ~~((of~~
784 ~~any residential structures of))~~ up to eight dwelling units outside ~~((of))~~ the ~~((boundaries of~~
785 ~~an u))~~ Urban ((g))Growth ((a))Area;

786 b. The construction of a barn, loafing shed, farm equipment storage building,
787 produce storage or packing structure, or similar agricultural structure, covering up to
788 thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square
789 feet in all other zones, and to be used only by the property owner or agent in the conduct
790 of farming the property. This exemption shall not apply to feed lots;

791 c. The construction of an office, school, commercial, recreational, service, or
792 storage building with up to twelve thousand square feet of gross floor area, and with
793 associated parking facilities designed for up to forty automobiles;

794 d. The construction of a parking lot designed for up to forty automobiles; and
795 e. ~~((Any f))~~ Fill or excavation ((of)) as follows:

796 (1) up to five hundred cubic yards throughout the total lifetime of the fill or
797 excavation ~~((and))~~ for activities not otherwise specified in this section;

798 (2) any fill or excavation necessary for the projects in subsections A.3.a.
799 through A.3.d. of this section;

800 (3) any fill or excavation classified as a class I, II, or III forest practice under
801 RCW 76.09.050 or regulation thereunder~~((: The categorical exemption threshold shall~~
802 ~~be)); and~~

(4) up to one hundred cubic yards for any fill or excavation that is in ~~((an aquatic area, wetland,))~~ a steep slope, ~~((or))~~ landslide, or alluvial fan hazard area. ~~((If the proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred cubic yards.))~~

2.)) 4. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Active nest: a nest or breeding site that is actively being used, built, or repaired by birds.

SECTION 9. Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039 are hereby amended to read as follows:

Agricultural products: products that include, but are not limited to:

- 826 A. Horticultural, viticultural, floricultural, and apiary products;
- 827 B. Livestock and livestock products;
- 828 C. Animal products, including, but not limited to, upland finfish, dairy products,
- 829 meat, poultry, and eggs;
- 830 D. Feed or forage for livestock;
- 831 E. ~~((Christmas-t))Trees((, hybrid cottonwood and similar hardwood trees))~~ grown
- 832 as crops and harvested within twenty years of planting; and
- 833 F. Turf, sod, seed, and related products.

834 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter

835 21A.06 a new section to read as follows:

836 Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a

837 stream flows or has flowed out of an upland onto a flat plain or valley floor due to a

838 sudden change in sediment transport capacity, such as a significant change in slope or

839 confinement.

840 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter

841 21A.06 a new section to read as follows:

842 Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural

843 hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan

844 hazard areas are a type of geological hazard area.

845 SECTION 12. Ordinance 15051, Section 7, as amended, and K.C.C.

846 21A.06.072C are hereby amended to read as follows:

- 847 A. Aquatic areas include:

848 1. ~~((Nonwetland w))~~Water features ~~((including: all))~~, such as shorelines of the
849 state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water~~((, such~~
850 ~~as lakes, ponds and reservoirs))~~;

851 2. Impoundments, ~~((such as))~~ which includes bodies of water collected in
852 reservoirs, dams, or ((ponds,)) through natural disturbance events, if any portion of the
853 contributing water is from a ~~((nonwetland))~~ water feature listed in subsection A.1. of this
854 section; ~~((and))~~

855 3. Above~~((-))~~ground open water conveyance systems, such as ditches, if any
856 portion of the contributing water is used by fish; and

857 4. Aboveground or underground water conveyance system, if any portion of
858 the contributing water is from ((either)) a wetland or a ((nonwetland)) water feature listed
859 in subsection A.1., ((or)) A.2., or A.3. of this section((, or both)).

860 B. "Aquatic areas" does not include water features where the source of
861 contributing water is entirely artificial, including, but not limited to, ground~~((-))~~water
862 wells, and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or
863 drainage ditches that lie within the boundaries of, and are maintained by, a port district or
864 an irrigation district or company.

865 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
866 21A.06 a new section to read as follows:

867 Aquatic area functions: the physical, biological, chemical, and geologic
868 interactions among different components of the environment that occur within aquatic
869 areas. Aquatic area functions include, but are not limited to, functions that improve water
870 quality, functions that provide for the availability of surface water and groundwater by

871 acting as recharge and discharge areas, functions to allow the conveyance of water,
872 sediment, organisms, and other organic matter, functions that facilitate food chain
873 production and nutrient cycling, and functions that provide habitat for plants and animals,
874 including nesting, rearing, feeding, and resting habitat.

875 SECTION 14. Ordinance 10870, Section 70, as amended, and K.C.C.
876 21A.06.122 are hereby amended to read as follows:

877 Buffer: a designated area contiguous to a ~~((steep slope or landslide hazard area~~
878 ~~intended to protect slope stability, attenuation of surface water flows and landslide~~
879 ~~hazards or a designated area contiguous to and))~~ critical area that is intended to protect
880 ~~and be ((an)) integral ((part of an aquatic area or wetland))~~ to the functions and values of
881 the critical area and reduce impacts from adjacent land uses.

882 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
883 21A.06 a new section to read as follows:

884 Climate-adaptive plants: plant species identified by the department of natural
885 resources and parks currently or formerly native to the surrounding ecoregion that are
886 predicted to maintain their abundance under climate change.

887 SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C.
888 21A.06.200 are hereby amended to read as follows:

889 Coal mine hazard area: an area directly underlain, adjacent to, or ((directly))
890 affected by operative or abandoned subsurface coal mine workings such as adits, tunnels,
891 drifts, or air shafts.

892 SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby
893 amended to read as follows:

894 Critical aquifer recharge area: an area with a critical recharging effect on aquifers
895 used for potable water or areas where an aquifer is susceptible to reduced recharge, and
896 designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ~~((that~~
897 ~~has))~~. Critical aquifer recharge areas include areas with a high susceptibility to ground((
898))water contamination or an area of medium susceptibility to ground((-))water
899 contamination that is located within a sole source aquifer or within an area approved in
900 accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or
901 district drinking water system, or an area over a sole source aquifer and located on ~~((an~~
902 ~~island surrounded by saltwater))~~ Vashon-Maury Island. Susceptibility to ground((
903))water contamination occurs where there is a combination of permeable soils, permeable
904 subsurface geology and ground((-))water close to the ground surface.

905 SECTION 18. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby
906 amended to read as follows:

907 Critical area: any area that is subject to natural hazards or a land feature that
908 supports unique, fragile, or valuable natural resources including fish, wildlife, or other
909 organisms or their habitats or such resources that carry, hold, or purify water in their
910 natural state. "Critical area" includes the following areas:

- 911 A. ~~((Aquatic areas;~~
- 912 B. ~~Coal mine hazard areas;~~
- 913 C.)) Critical aquifer recharge areas;
- 914 ~~((D. Erosion hazard areas;~~
- 915 E. ~~Flood hazard areas;~~
- 916 F. ~~Landslide hazard areas;~~

917 ~~G. Seismic hazard areas;~~
918 ~~H. Steep slope hazard areas;~~
919 ~~I. Volcanic hazard areas;~~
920 ~~J.)~~ B. Frequently flooded areas, regulated as flood hazard areas, including:
921 1. Floodplains;
922 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;
923 3. Zero-rise flood fringe;
924 4. Zero-rise floodways;
925 5. FEMA floodways; and
926 6. Channel migration zones;
927 C. Fish and wildlife habitat conservation areas, including:
928 1. Aquatic areas;
929 2. Riparian areas;
930 3. Wildlife habitat conservation areas; and
931 4. Wildlife habitat networks;
932 D. Geologically hazardous areas, including:
933 1. Alluvial fan hazard areas;
934 2. Channel migration zones;
935 3. Coal mine hazard areas;
936 4. Erosion hazard areas;
937 5. Landslide hazard areas;
938 6. Seismic hazard areas;
939 7. Steep slope hazard areas;

940 8. Tsunami hazard areas; and

941 9. Volcanic hazard areas; and

942 E. Wetlands((;

943 ~~K. Wildlife habitat conservation areas; and~~

944 ~~L. Wildlife habitat networks)).~~

945 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter

946 21A.06 a new section to read as follows:

947 Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within
948 shorelines of the state, and floodplains designated as shorelines of the state in the
949 shoreline master program.

950 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter

951 21A.06 a new section to read as follows:

952 Debris flow: a moving mass of rock fragments, soil, and mud, where more than
953 half of the particles are larger than sand size.

954 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter

955 21A.06 a new section to read as follows:

956 Ecological professional: a person having a degree in ecology, wildlife biology,
957 wetland biology, fisheries, botany, soil science, environmental science, natural resource
958 management, or a closely related field, with a minimum of five years of professional
959 experience related to the subject ecological field. Professional certification in a relevant
960 ecological field can be substituted for two years of professional experience.

961 SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C.

962 21A.06.415 are hereby amended to read as follows:

963 Erosion hazard area: ~~((an))~~ a geologically hazardous area underlain by soils that
964 ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are
965 not limited to~~((;))~~:

966 A. ~~((t))~~ Those classified as having a severe to very severe erosion hazard
967 according to the United States Department of Agriculture ~~((Soil))~~ Natural Resources
968 Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King
969 County Soils Survey or any subsequent revisions or addition by or to these sources ~~((such~~
970 ~~as))~~:

971 B. ~~((a))~~ Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

972 C. ~~((a))~~ Any of the following when they occur on slopes inclined at fifteen percent
973 or more:

974 ~~((A. The))~~ 1. Alderwood gravely sandy loam ("AgD");

975 ~~((B. The))~~ 2. Alderwood and Kitsap soils ("AkF");

976 ~~((C. The))~~ 3. Beausite gravely sandy loam ("BeD" and "BeF");

977 ~~((D. The))~~ 4. Kitsap silt loam ("KpD");

978 ~~((E. The))~~ 5. Ovall gravely loam ("OvD" and "OvF");

979 ~~((F. The))~~ 6. Ragnar fine sandy loam ("RaD"); and

980 ~~((G. The))~~ 7. Ragnar-Indianola Association ("RdE").

981 SECTION 23. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby
982 amended to read as follows:

983 Farm field access drive: a~~((n))~~ paved or impervious ~~((surface constructed to~~
984 ~~provide a fixed))~~ route or path used for moving livestock, produce, equipment, or
985 supplies to and from farm fields, and farm structures for agricultural activities.

986 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter
987 21A.06 a new section to read as follows:

988 Fish and wildlife habitat conservation areas:

989 A. Areas that serve a critical role in sustaining needed habitats and species for the
990 functional integrity of the ecosystem, and which, if altered, may reduce the likelihood
991 that the species will persist over the long term. These areas may include, but are not
992 limited to, rare or vulnerable ecological systems, communities, and habitat or habitat
993 elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas,
994 wildlife habitat network, and areas with high population density or species richness.

995 B. Fish and wildlife habitat conservation areas do not include artificial water
996 carrying features or constructs such as irrigation delivery systems, irrigation
997 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and
998 are maintained by, a port district or an irrigation district or company.

999 SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby
1000 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

1001 SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby
1002 amended to read as follows:

1003 ~~((Habitat, f))~~ Fish habitat: habitat that is used by native fish species, including
1004 anadromous or resident salmonids, at any life stage at any time of the year ~~((including~~
1005 ~~potential habitat likely to be used by anadromous or resident salmonids))~~. "Fish habitat"
1006 includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal
1007 channels, and potential habitat that is upstream ~~((of,))~~ or landward of ~~((,))~~ human-made
1008 barriers that could be accessible to ~~((, and))~~ or ~~((could be))~~ used by ~~((,))~~ fish upon removal

1009 of the barriers. (~~(This includes off-channel habitat, flood refuges, tidal flats, tidal~~
1010 ~~channels, streams and wetlands.))~~)

1011 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter
1012 21A.06 a new section to read as follows:

1013 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or
1014 other geological events. Areas classified as geologically hazardous areas include:

1015 A. Alluvial fan hazard areas;

1016 B. Channel migration zones;

1017 C. Coal mine hazard areas;

1018 D. Erosion hazard areas;

1019 E. Landslide hazard areas;

1020 F. Seismic hazard areas;

1021 G. Steep slope hazard areas;

1022 H. Tsunami hazard areas; and

1023 I. Volcanic hazard areas.

1024 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter
1025 21A.06 a new section to read as follows:

1026 Geological professional: a geotechnical engineer or geologist, licensed in
1027 Washington state and experienced in analyzing geologic, hydrologic, and groundwater
1028 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1029 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter
1030 21A.06 a new section to read as follows:

1031 Grazing area buffer: a designated area contiguous to a wetland or aquatic area
1032 from which livestock are excluded.

1033 SECTION 30. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby
1034 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1035 SECTION 31. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are
1036 hereby amended to read as follows:

1037 ~~((Free, hazard))~~ Hazard tree: any tree with a structural defect, combination of
1038 defects or disease resulting in structural defect that, under the normal range of
1039 environmental conditions at the site, will result in the loss of a major structural
1040 component of that tree in a manner that will:

1041 A. Damage a ~~((residential structure))~~ building, ~~((or))~~ accessory structure, or
1042 parking for a residential use, place of employment, ~~((or))~~ public assembly ~~((or approved~~
1043 ~~parking for a residential structure or accessory structure or place of employment or public~~
1044 ~~assembly))~~;

1045 B. Damage a ~~((n approved))~~ road or utility facility; or

1046 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1047 SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C.
1048 21A.06.680 are hereby amended to read as follows:

1049 Landslide hazard area: an area subject to severe risk of landslide, such as:

1050 A. An area with a combination of:

1051 1. Slopes steeper than fifteen percent of inclination;

1052 2. Impermeable soils, such as silt and clay, frequently interbedded with granular
1053 soils, such as sand and gravel; and

1054 3. Springs or ground water seepage;

1055 B. An area that has shown movement during the Holocene epoch, which is from
1056 ten thousand years ago to the present, or that is underlain by mass wastage debris from
1057 that epoch;

1058 C. Any area potentially unstable as a result of rapid stream incision, stream bank
1059 erosion or undercutting by wave action;

1060 D. An area that shows evidence of or is at risk from snow avalanches; or

1061 E. An area located on an alluvial fan(~~((, presently or potentially subject to))~~) that is
1062 susceptible to episodic inundation ((by debris flows or deposition of stream-transported
1063 sediments)) sedimentation, and erosional impacts.

1064 SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C.
1065 21A.06.750 are hereby amended to read as follows:

1066 Mitigation: an action taken to compensate for (~~((adverse))~~) unavoidable impacts to
1067 the environment resulting from a development activity or alteration after avoidance and
1068 mitigation sequencing is applied.

1069 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter
1070 21A.06 a new section to read as follows:

1071 Notice of map amendment:

1072 A. A letter issued by the department of natural resources and parks indicating that
1073 the classification of a critical area has been changed on one of the following critical areas
1074 maps adopted by ordinance or public rule:

1075 1. Critical aquifer recharge areas;

1076 2. Wildlife habitat networks;

1077 3. Channel migration zones; or

1078 4. Flood hazard areas.

1079 B. The notice of map amendment may indicate that an area has been reclassified,
1080 declassified, or newly classified as a critical area.

1081 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter
1082 21A.06 a new section to read as follows:

1083 Revegetation: the reestablishment of vegetation within an area that is well suited to
1084 thrive in the area.

1085 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter
1086 21A.06 a new section to read as follows:

1087 Riparian area: a designated area contiguous to an aquatic area that provides fish and
1088 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects
1089 water quality. Riparian areas protect the functions and values of aquatic areas and reduce
1090 impacts from adjacent land uses through various physical, chemical, or biological processes.

1091 SECTION 37. Ordinance 10870, Section 243, as amended, and K.C.C.
1092 21A.06.1015 are hereby amended to read as follows:

1093 Salmonid: a fish native to the Puget Sound region that is a member of the fish
1094 family Salmonidae, including(~~(, but not limited to)~~):

1095 A. Chinook, coho, chum, sockeye, and pink salmon;

1096 B. Rainbow, steelhead, and cutthroat (~~((salmon, which are also known as))~~) trout;

1097 C. (~~((Brown trout;~~

1098 ~~D. Brook, b))~~ Bull trout, which is (~~((also known as))~~) a type of char, and Dolly

1099 Varden char;

1100 ~~((E.))~~ D. Kokanee; ~~((and~~
1101 ~~F.))~~ E. Pygmy whitefish; and
1102 F. Mountain whitefish.

1103 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter
1104 21A.06 a new section to read as follows:

1105 Special flood hazard area or area of special flood hazard: the land subject to
1106 inundation by the base flood. Special flood hazard areas ("SFHA") are designated on
1107 flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and
1108 VE.

1109 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter
1110 21A.06 a new section to read as follows:

1111 Species of local importance: a species designated in the Comprehensive Plan to be
1112 of local concern due to their population status, sensitivity to habitat alteration, or that is a
1113 game species.

1114 SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C.
1115 21A.06.1240 are hereby amended to read as follows:

1116 Stream: an aquatic area where surface water produces a channel, not including a
1117 wholly artificial channel~~((;))~~ unless ~~((#))~~ the artificial channel is:

1118 A. Used by ~~((salmonids))~~ fish; or

1119 B. Used to convey a stream or wetland that occurred naturally before
1120 construction of the artificial channel.

1121 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter
1122 21A.06 a new section to read as follows:

1123 Tsunami hazard area: a geologically hazardous area susceptible to flooding,
1124 inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but
1125 not limited to, tsunami hazard areas shown on the Washington Geological Survey Digital
1126 Data Series 22, version 2.1, October 2024, and V1-V30, VE, or V zones shown on the Flood
1127 Insurance Rate Maps.

1128 SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C.
1129 21A.06.1370 are hereby amended to read as follows:

1130 Volcanic hazard area: ~~((an))~~ a geologically hazardous area subject to pyroclastic
1131 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,
1132 or related flooding resulting from volcanic activity on Mount Rainier, delineated based
1133 on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

1134 SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are
1135 hereby amended to read as follows:

1136 Wetland:

1137 A. An area that is inundated or saturated by ground or surface water at a
1138 frequency and duration sufficient to support, and under normal circumstances does
1139 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1140 B. Wetlands generally include swamps, marshes, bogs, and similar areas.
1141 Wetlands may include those artificial wetlands intentionally created from nonwetland
1142 areas created to mitigate conversion of wetlands.

1143 C. Wetlands do not include those artificially created wetlands intentionally
1144 created from nonwetlands sites, including, but not limited to:

1145 1. Surface water conveyances for drainage or irrigation;

1146 2. Grass-lined swales;
1147 3. Canals;
1148 4. Detention facilities such as flow control facilities or wetponds;
1149 5. Wastewater treatment facilities;
1150 6. Farm ponds;
1151 7. Landscape amenities; or
1152 ((9-)) 8. Those wetlands created after July 1, 1990, that were unintentionally
1153 created as a result of the construction of a road, street, or highway.

1154 SECTION 44. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are
1155 hereby amended to read as follows:

1156 Wetland functions: ~~((natural processes performed by wetlands including~~
1157 ~~functions which are important in facilitating food chain production, providing habitat for~~
1158 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~
1159 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~
1160 ~~aquifers and moderating surface and storm water flows, as well as performing other~~
1161 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~
1162 physical, biological, chemical, and geologic interactions among different components of
1163 the environment that occur within a wetland. Wetland functions include, but are not
1164 limited to, functions that improve water quality, functions that change the water regime in
1165 a watershed such as flood storage, and functions that provide habitat for plants and
1166 animals.

1167 NEW SECTION. SECTION 45. There is hereby added to K.C.C. chapter
1168 21A.06 a new section to read as follows:

1169 Wetland values: estimates of the worth, merit, quality, or importance of wetland
1170 processes, characteristics, or attributes that are considered to benefit society. Values vary
1171 by watershed or by community. Examples of wetland values include education, research,
1172 aesthetics, and recreation.

1173 NEW SECTION. SECTION 46. There is hereby added to K.C.C. chapter
1174 21A.06 a new section to read as follows:

1175 Wildlife lighting: exterior lighting designed and installed to reduce impacts to
1176 wildlife.

1177 SECTION 47. Ordinance 10870, Section 448, as amended, and K.C.C.
1178 21A.24.010 are hereby amended to read as follows:

1179 The purpose of this chapter is to implement the goals and policies of the Growth
1180 Management Act, chapter 36, 70A RCW, Washington state Environmental Policy Act,
1181 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for
1182 protection of the natural environment and the public health and safety by:

1183 A. Establishing development and alteration standards to protect functions and
1184 values of critical areas;

1185 B. Protecting members of the general public and public resources and facilities
1186 from injury, loss of life, property damage, or financial loss due to flooding, erosion,
1187 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil
1188 subsidence, or steep slope failures;

1189 C. Protecting unique, fragile, and valuable elements of the environment,
1190 including, but not limited to, fish and wildlife and their habitats, and maintaining and
1191 promoting countywide native biodiversity;

1192 D. Requiring avoidance and mitigation sequencing, including mitigation of
1193 ~~((unavoidable))~~ impacts to critical areas~~((, by regulating alterations in or near critical~~
1194 ~~areas))~~ and associated buffers;

1195 E. Preventing cumulative adverse environmental impacts on water availability,
1196 water quality, ground~~((-))~~water, wetlands, and aquatic areas;

1197 F. Measuring the quantity and quality of wetland and aquatic area resources and
1198 ~~((preventing overall))~~ ensuring no net loss of wetland, ((and)) aquatic area, and riparian
1199 area functions and values;

1200 G. Protecting the public trust as to navigable waters, aquatic resources, and fish
1201 and wildlife and their habitat;

1202 H. Meeting the requirements of the National Flood Insurance Program and
1203 maintaining King County as an eligible community for federal flood insurance benefits;

1204 I. Alerting members of the public including, but not limited to, appraisers,
1205 owners, potential buyers, or lessees to the development limitations of critical areas;

1206 J. Providing county officials with sufficient information ~~((to protect))~~ at the time
1207 of permit application submittal to determine whether proposed land uses, activities, or
1208 development could negatively impact critical areas; and

1209 K. Providing clear and objective development standards, application
1210 requirements, and review processes for the administration of critical areas protection.

1211 SECTION 48. Ordinance 10870, Section 449, as amended, and K.C.C.
1212 21A.24.020 are hereby amended to read as follows:

1213 A. This chapter applies to all land uses and alterations in King County, and all
1214 persons within the county shall comply with this chapter.

1215 B. King County shall not approve any permit or otherwise issue any authorization
1216 to alter the condition of any land, water, or vegetation or to construct or alter any
1217 structure or improvement without first ensuring compliance with this chapter.

1218 C. Approval of a development proposal in accordance with this chapter does not
1219 discharge the obligation of the applicant to comply with this chapter.

1220 D. When ~~((any other chapter))~~ another provision of the King County Code
1221 conflicts with this chapter or when the provisions of this chapter are in conflict, the
1222 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~
1223 critical areas shall apply unless specifically provided otherwise in this chapter or unless
1224 the provision conflicts with federal or state laws or regulations.

1225 E. This chapter applies to all forest practices over which the county has
1226 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

1227 SECTION 49. Ordinance 15051, Section 137, as amended, and K.C.C.
1228 21A.24.045 are hereby amended to read as follows:

1229 A. ~~((Within the following seven critical areas and their buffers a))~~ All alterations
1230 ~~((are allowed if the alteration complies))~~ that comply with the development standards,
1231 ~~((impact))~~ avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable
1232 requirements ~~((established))~~ in this chapter are allowed within the following critical areas
1233 and their buffers:

- 1234 1. Critical aquifer recharge areas;
1235 2. Coal mine hazard areas;
1236 3. Erosion hazard areas;
1237 4. Flood hazard areas except in the severe channel migration hazard areas;

1238 5. Landslide hazard areas under forty percent slope;

1239 6. Moderate channel migration hazard area;

1240 7. Seismic hazard areas; ~~((and~~

1241 7.)) 8. Tsunami hazard areas; and

1242 9. Volcanic hazard areas.

1243 B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed

1244 as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the

1245 table in subsection C. of this section are allowed if the alteration complies with

1246 conditions in subsection D. of this section, ~~((and))~~ the development standards, ~~((impact))~~

1247 avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable requirements

1248 established in this chapter:

1249 1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;

1250 2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;

1251 3. ~~((Steep slope hazard area))~~ Landslide hazard areas over forty percent slope;

1252 4. ~~((Wetland))~~ Riparian areas;

1253 5. ~~((Aquatic area))~~ Severe channel migration hazard areas;

1254 6. ~~((Wildlife habitat conservation area; and))~~ Steep slope hazard areas;

1255 7. ~~((Wildlife habitat network))~~ Wetlands;

1256 8. Wildlife habitat conservation areas; and

1257 9. Wildlife habitat networks.

1258 C. Alteration allowances ~~((I))~~ in the following table shall be interpreted as

1259 follows:

1260 1. If a cell is blank, the alteration is prohibited in the given critical area;

1261 2. An "A" in a cell indicates that an alteration is allowed if the listed conditions
1262 and any applicable requirements in this chapter are met;

1263 3. A number in a cell indicates that the numbered condition in subsection D. of
1264 this section applies;

1265 4. Where a series of numbers separated by commas are in a cell, each of the
1266 applicable numbered conditions for that alteration applies;

1267 5. Where more than one letter-number combination appears in a cell, the
1268 conditions of at least one letter-number combination shall be met;

1269 6. In cases where an ((activity)) alteration is included in more than one
1270 ((activity)) category, ((the numbered conditions applicable to)) the most specific
1271 description of the ((activity)) alteration shall govern((s. Where more than one numbered
1272 condition appears for a listed activity, each of the relevant conditions specified for that
1273 activity within the given critical area applies.)); and

1274 7. For alterations involving more than one critical area, compliance with the
1275 conditions applicable to each critical area is required.

((A=alteration <u>Alteration is</u> allowed. Numbers indicate applicable development condition in subsection D. of this section.))	Landslid e Hazard <u>Areas</u> Over 40%, <u>Steep</u> <u>Slope</u> <u>Hazard</u> <u>Areas,</u> and	<u>Alluvi</u> <u>al Fan</u> <u>Hazard</u> <u>Areas</u>	((Steep <u>Wetlan</u> Slope <u>d and</u> Hazard <u>Buffer</u> and Buffer)) <u>Severe</u> <u>Channel</u> <u>Migratio</u> <u>n</u> <u>Hazard</u>	<u>Wetlan</u> <u>d and</u> <u>Buffer</u>	<u>Aquatic</u> <u>Areas</u> ((and <u>Conserv</u> Buffer)), <u>ation</u> <u>Riparian</u> <u>Areas</u> <u>and</u> ((and <u>Wildlife</u> Severe <u>Habitat</u> <u>Channel</u> <u>Networ</u> <u>Migration</u> <u>ks</u>	<u>Wildlife</u> <u>Habitat</u> <u>Conserv</u> <u>ation</u> <u>Areas</u> <u>and</u> <u>Wildlife</u> <u>Habitat</u> <u>Networ</u> <u>ks</u>
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	Buffers		Area		))	
Structures						
Construction of new single detached dwelling unit				A 1	((A-2))	
Construction of a new tree-supported structure				A ((64)) 2	A ((64)) 2	A ((64)) 2
((Construction of nonresidential structure))				((A-3))	((A-3))	((A-3, 4))
Maintenance or repair of existing structure	A 5	A 6	A 6	A	A	A 4
Expansion ((or replacement)) of existing structure	((A-5, 7))	A 6	A ((5, 7)) 6	A 7((, 8))	A ((6, 7)) 7((, 8))	A 4, 7
<u>Replacement of existing structure</u>	A 5			A 8	A 8	A 4, 8
Interior remodeling	A	A	A	A	A	A
Construction of new dock or pier				A 9	A ((9, 10)) 10((, 11))	
Maintenance, repair or replacement of dock or pier				A ((12)) 2	A 10((, 11))	A 4
Grading						
Grading	A 13 A 14	A 14	A ((13)) 14	A 14	A 14	A 4, 14
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ((13)) 16, 17	A 16, 17	A 16, 17	A 4
Mineral extraction	A		((A))			

Clearing						
Clearing	A 18	<u>A 18</u>	A 18, <u>20</u>	A 18, 20	A ((14)), 18, 20	A 4, ((14)), 18, 20
Cutting firewood	<u>A 21</u>	<u>A 21</u>	((A 21))	((A 21))	((A 21))	A 4, 21
Vegetation <u>removal with a vegetation management plan</u>	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
((Removal of vegetation for fire safety)) <u>Clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	((A 22))	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A ((23)) <u>57</u>	<u>A 57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A 4, ((23)) <u>57</u>
Forest Practices						
Forest management activity	A	<u>A</u>	A	A	A	A 25
Roads						
<u>Construction of new road within unimproved right-of-way</u>						
Construction of ((new)) public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a ((plot)) <u>land division</u>				A 26	A 26	
Maintenance of public road	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16,

right-of-way structure						27
Expansion beyond public road right-of way structure	A	<u>A 26</u>	A <u>26</u>	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	<u>A 14,</u> <u>28</u>	A 28	A 28	A 28	A 28
((Construction of farm field access drive))	((A 29))		((A 29))	((A 29))	((A 29))	((A 29))
Maintenance of driveway, private access road, ((farm field access drive)) or parking lot	A	<u>A 17</u>	A <u>17</u>	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 14,</u> <u>39</u>	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17</u>	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	<u>A 16,</u> <u>39</u>	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16, <u>30</u>	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17, 31</u>	A 16, 17, 31	A 16, 17, 31	A <u>16,</u> 17, 31	A ((4)) <u>27</u>
Utilities and other						

infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	<u>A 32,</u> <u>33, 34</u>	A 32, ((33)) <u>34</u>	A 32, 34	A 32, 34	A <u>4,</u> ((27,)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) <u>generation</u> facility	A 67	<u>A 66,</u> <u>67</u>	A ((67)) <u>66</u>	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	<u>A 29,</u> <u>32, 33</u>	A <u>29,</u> 32((, 33))	A <u>29,</u> 32((, 60))	A <u>29,</u> 32((,-60))	A 27, <u>29, 32</u> ((, 60))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	<u>A 32,</u> <u>33</u>	A 32, ((33)) , <u>34, 36</u>	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	<u>A 37</u>	A 37	A 37	A 37	A 4, 37
Maintenance, ((or)) repair, or <u>replacement</u> of <u>existing</u> on-site sewage disposal system	A <u>24</u>	<u>A 24,</u> <u>37</u>	A <u>24,</u> 37	A <u>24,</u> <u>37</u>	A <u>24,</u> 37	A 4, <u>24,</u> <u>37</u>
Construction of new surface water conveyance system	A 32, 33	<u>A 32,</u> <u>33, 38</u>	A 32, ((33)) <u>38</u>	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat				A 68	A 68	

exchanger						
Maintenance, repair, or replacement of existing surface water conveyance system	A <u>32</u> , 33	<u>A 16</u> , <u>32</u> , <u>33</u> , <u>40</u> , <u>41</u>	A <u>16</u> , <u>32</u> , ((33)) <u>38</u> , <u>40</u> , <u>41</u>	A 16, 32, 38	A 16, <u>32</u> , <u>38</u> , 40, 41	A 4, <u>32</u> , 37
Construction of new surface water flow control or surface water quality treatment facility		<u>A 32</u>	<u>A 32</u>	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	<u>A 16</u>	A 16	A 16	A 16	A 4, <u>16</u>
Construction of new flood protection facility		<u>A 16</u> , <u>42</u>	<u>A 42</u>	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	<u>A 33</u> , <u>43</u>	A ((33,)) 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	<u>A 61</u>	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	<u>A 16</u>	A 16, <u>44</u> , <u>45</u>	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((16))	<u>A</u>	A	A	A	A 4
Recreation						
Construction of new trail	A 46	<u>A 46</u>	A ((46)) <u>47</u>	A 47	A 47	A 4, 47

Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	<u>A 49</u>	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		<u>A 50</u>	<u>A 50</u>	A 50	A 50	A 50
Drilling and testing for critical area(s) reports, or for <u>monitoring and data collection within critical areas</u>	A 51	<u>A 51</u>	A 51	A 51((, 52))	A 51((, 52))	A 4
Environmental education project	A 62	<u>A 62</u>	A 62	A 62	A 62	A 62
((Agriculture)) <u>Agricultural Activities</u>						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	<u>A 53</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	<u>A 53</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			<u>A 53, 54</u>	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance			<u>A 55</u>	A ((53, 54	A ((53, 54	A ((53, 54

of livestock manure storage facility				54,)) 55	54,)) 55((; 56))	54)) <u>55</u>
Construction of a livestock heavy use area			<u>A 55</u>	A ((53, 54,)) 55	A ((53, 54,)) 55((; 56))	A ((53, 54)) <u>55</u>
Construction or maintenance of a farm pad			<u>A 55</u>	A (56) <u>55</u>	A ((56) <u>55</u>	
Construction of agricultural drainage			<u>A 56</u>	A (57) <u>56</u>	A ((57) <u>56</u>	A 4((; 57)) <u>56</u>
Maintenance or replacement of <u>existing</u> agricultural drainage	A ((23, 58)) <u>57</u>	<u>A 57</u>	A ((23, 58)) <u>57</u>	A ((23, 53, 54, 58)) <u>57</u>	A ((23, 53, 54, 58)) <u>57</u>	A 4, (23, 53, 54, 58)) <u>57</u>
Maintenance of agricultural waterway		<u>A 58</u>	<u>A 58</u>	A (69) <u>58</u>	A ((69) <u>58</u>	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((A-53))	<u>A 53,</u> <u>54</u>	A 53, <u>54</u>	A 53, 54	A 53, 54	A 53, 54
<u>Construction or expansion of farm field access drive</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>
<u>Construction of nonresidential farm structure</u>		<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 4, 60</u>
Other						
Shoreline water dependent or					A 65	

shoreline water oriented use						
Excavation of cemetery graves in established and approved cemetery	A	<u>A</u>	A	A	A	A
Maintenance of cemetery graves	A	<u>A</u>	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((59)) <u>64</u>	<u>A 64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1276 D. The following alteration conditions apply:

1277 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1278 limitations of subsection D.3. of this section.

1279 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that~~
1280 ~~was created before January 1, 2005, if:~~

1281 ~~a. at least seventy five percent of the lots abutting the shoreline of the lake or~~
1282 ~~seventy five percent of the lake frontage, whichever constitutes the most developable~~
1283 ~~lake frontage, has existing density of four dwelling units per acre or more;~~

1284 ~~b. the development proposal, including mitigation required by this chapter, will~~
1285 ~~have the least adverse impact on the critical area;~~

1286 ~~c. existing native vegetation within the critical area buffer will remain~~
1287 ~~undisturbed except as necessary to accommodate the development proposal and required~~
1288 ~~building setbacks;~~

1289 ~~d. access is located to have the least adverse impact on the critical area and~~
1290 ~~critical area buffer;~~

1291 e. ~~the site alteration is the minimum necessary to accommodate the~~
1292 ~~development proposal and in no case in excess of five thousand square feet;~~
1293 f. ~~the alteration is no closer than:~~
1294 ~~(1) on a site with a shoreline environment designation of high intensity or~~
1295 ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~
1296 ~~on either side of the subject property, as measured from the ordinary high water mark of~~
1297 ~~the lake shoreline;~~
1298 ~~(2) on a site with a shoreline environment designation of rural, conservancy,~~
1299 ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~
1300 ~~lots on either side of the subject property, as measured from the ordinary high water~~
1301 ~~mark; and~~
1302 ~~(3) on a site with a shoreline environment designation of natural, the greater~~
1303 ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~
1304 ~~subject property, as measured from the ordinary high water mark; and~~
1305 g. ~~to the maximum extent practical, alterations are mitigated on the~~
1306 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~
1307 Only structures wholly or partially supported by a tree and used as accessory living
1308 quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
1309 following:
1310 a. not allowed in wildlife habitat conservation areas, wetlands, or aquatic
1311 areas;
1312 b. the structure's floor area shall not exceed two hundred square feet, excluding
1313 a narrow access stairway or landing leading to the structure;

1314 c. the structure shall be located as far from wetlands or aquatic areas as
1315 practical, but in no case closer than seventy-five feet from a wetland or an aquatic area;

1316 d. only one tree-supported structure within a critical area buffer or riparian area
1317 is allowed on a lot;

1318 e. all construction materials for the structure, including the platform, pilings,
1319 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as
1320 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
1321 fiberglass, or cured concrete that the department determines will not have an impact on
1322 water quality;

1323 f. to the maximum extent practical, the exterior of the structure shall be
1324 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
1325 and visibility from the critical area. The camouflage shall be maintained to retain
1326 concealment effectiveness;

1327 g. the structure shall not adversely impact the long-term health and viability of
1328 the tree. The evaluation shall include, but not be limited to, the following:

1329 (1) the quantity of supporting anchors and connection points to attach the tree
1330 house to the tree shall be the minimum necessary to adequately support the structure;

1331 (2) the attachments shall be constructed using the best available tree anchor
1332 bolt technology; and

1333 (3) an International Society of Arboriculture Certified Arborist shall evaluate
1334 the tree proposed for placement of the tree house and shall submit a report discussing
1335 how the tree's long-term health and viability will not be negatively impacted by the tree
1336 house or associated infrastructure;

1337 h. exterior lighting shall meet the following criteria:
1338 (1) limited to the minimum quantity of lights necessary to meet the building
1339 code requirements to allow for safe exiting of the structure and stairway; and
1340 (2) exterior lights shall be fully shielded and shall direct light downward, in
1341 an attempt to minimize impacts to the nighttime environment;
1342 i. unless otherwise approved by the department, all external construction shall
1343 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
1344 species during typical breeding, nesting, and rearing seasons;
1345 j. trail access to the structure shall be designed in accordance with trail
1346 standards under subsection D.47. of this section;
1347 k. to the maximum extent practical, existing native vegetation shall be left
1348 undisturbed. Only minimal hand clearing of vegetation is allowed; and
1349 l. vegetated areas within the critical area buffer or riparian area that are
1350 temporarily impacted by construction of the structure shall be restored by planting native
1351 vegetation or climate-adaptive plants according to an approved mitigation plan.
1352 ~~3. ((Limited to nonresidential farm structures in grazed or tilled wet meadows,~~
1353 ~~or buffers of wetlands or aquatic areas where:~~
1354 ~~a. the site is predominantly used for the practice of agriculture;~~
1355 ~~b. the structure is in compliance with an approved farm management plan in~~
1356 ~~accordance with K.C.C. 21A.24.051;~~
1357 ~~e. the structure is either:~~

1358 ~~(1) on or adjacent to existing nonresidential impervious surface areas,~~
1359 additional impervious surface area is not created waterward of any existing impervious
1360 surface areas and the area was not used for crop production;

1361 ~~(2) higher in elevation and no closer to the critical area than its existing~~
1362 position; or

1363 ~~(3) at a location away from existing impervious surface areas that is~~
1364 determined to be the optimum site in the farm management plan;

1365 ~~d. all best management practices associated with the structure specified in the~~
1366 farm management plan are installed and maintained;

1367 ~~e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not~~
1368 require the development of a farm management plan if required best management
1369 practices are followed and the installation does not require clearing of critical areas or
1370 their buffers; and

1371 ~~f. in a severe channel migration hazard area portion of an aquatic buffer only~~
1372 if:

1373 ~~(1) there is no feasible alternative location on site;~~
1374 ~~(2) the structure is located where it is least subject to risk from channel~~
1375 migration;

1376 ~~(3) the structure is not used to house animals or store hazardous substances;~~
1377 and

1378 ~~(4) the total footprint of all accessory structures within the severe channel~~
1379 migration hazard area will not exceed the greater of one thousand square feet or two
1380 percent of the severe channel migration hazard area on the site)) Repealed.

1381 4. No clearing, grading, external construction, or other disturbance in a wildlife
1382 habitat conservation area is allowed during breeding seasons established under K.C.C.
1383 21A.24.382.

1384 5. Allowed for existing legally established structures when:
1385 a. the ~~((landslide))~~ hazard poses little ~~((or))~~ to no risk of injury; and
1386 b. the risk of landsliding or slope instability is low~~((; and~~
1387 ~~e. there is not an expansion of the structure))~~.

1388 6. Within an alluvial fan hazard area or severe channel migration hazard area
1389 allowed for:
1390 a. existing legally established primary structures if:
1391 (1) there is not an increase of the footprint of any existing structure; and
1392 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
1393 and
1394 b. existing legally established accessory structures if:
1395 (1) additions to the footprint will not make the total footprint of all existing
1396 structures more than one~~((-))~~ thousand square feet; and
1397 (2) there is no~~((t an))~~ expansion of the footprint towards any source of
1398 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that
1399 the location is less subject to risk and has less impact on the critical area.

1400 7. Allowed only ~~((in grazed wet meadows or the buffer or building setback~~
1401 ~~outside a severe channel migration hazard area))~~ if:
1402 a. the structure was not established as the result of an alteration exception,
1403 variance, buffer averaging, or reasonable use exception;

1404 b. the location of the expansion has the least impact on the critical area;

1405 c. the expansion is on an existing legally established impervious surface, lawn

1406 or landscaping area, farm field, or grazed area;

1407 d. for a nonresidential structure, the expansion ~~((or replacement))~~ does not

1408 increase the footprint of a nonresidential structure;

1409 ~~((b.(1)))~~ e. for a legally established dwelling unit or accessory structure, the

1410 expansion ~~((or replacement, including any expansion of a legally established accessory~~

1411 ~~structure allowed under this subsection B.7.b.,))~~ does not increase the footprint of the

1412 dwelling unit and all other structures by more than one thousand square feet,

1413 cumulatively since January 1, 2005. The footprint limitation does not ~~((including))~~

1414 include any expansion of a drainfield made necessary by the expansion of the dwelling

1415 unit. To the maximum extent practical, the ~~((replacement or))~~ expansion of a drainfield

1416 in the buffer should be located within areas of existing lawn or landscaping, unless

1417 another location will have a lesser impact on the critical area and ~~((its))~~ associated buffer;

1418 ~~((2) for a structure accessory to a dwelling unit, the expansion or~~

1419 ~~replacement is located on or adjacent to existing impervious surface areas and does not~~

1420 ~~result in a cumulative increase in the footprint of the accessory structure and the dwelling~~

1421 ~~unit by more than one thousand square feet;~~

1422 ~~(3) the location of the expansion has the least adverse impact on the critical~~

1423 ~~area; and~~

1424 ~~(4) a comparable area of degraded buffer area shall be enhanced through~~

1425 ~~removal of nonnative plants and replacement with native vegetation in accordance with~~

1426 ~~an approved landscaping plan;~~

1427 e. ~~the structure was not established as the result of an alteration exception,~~
1428 ~~variance, buffer averaging or reasonable use exception;~~

1429 d. ~~to the maximum extent practical, the expansion or replacement is not~~
1430 ~~located closer to the critical area or within the relic of a channel that can be connected to~~
1431 ~~an aquatic area; and~~

1432 e. ~~The expansion of a residential structure in the buffer of a Type S aquatic~~
1433 ~~area that extends towards the ordinary high water mark requires a shoreline variance if:~~

1434 ~~(1) the expansion is within thirty five feet of the ordinary high water mark; or~~
1435 ~~(2) the expansion is between thirty five and fifty feet of the ordinary high~~
1436 ~~water mark and the area of the expansion extending towards the ordinary high water mark~~
1437 ~~is greater than three hundred square feet)).~~

1438 8. Allowed ~~((upon another portion of an existing impervious surface outside a~~
1439 ~~severe channel migration hazard area))~~ only if:

1440 a. ~~((except as otherwise allowed under subsection D.7. of this section, the~~
1441 ~~structure is not located closer to the critical area))~~ the location of the replacement is
1442 within the footprint of the existing structure or has the least impact on the critical area;

1443 b. ~~((except as otherwise allowed under subsection D.7. of this section, the~~
1444 ~~existing))~~ the total footprint of all structures and impervious surfaces within the critical
1445 area or associated buffer is not expanded; ~~((and))~~

1446 c. the replacement is on an existing legally established impervious surface,
1447 lawn or landscaping area, farm field, or grazed area; and

1448 d. ~~the ((degraded buffer area is enhanced through removal of nonnative plants~~
1449 ~~and replacement))~~ footprint of an existing structure at an alternative location is

1450 revegetated with native vegetation or climate-adaptive plants in accordance with an
1451 approved ~~((landscaping))~~ mitigation plan.

1452 9. ~~((Limited to piers or seasonal floating docks))~~ Allowed in a category II, III, or
1453 IV wetland or ~~((its))~~ associated buffer ~~((or along a lake shoreline or its buffer where))~~ to
1454 access an aquatic area if:

1455 a. the vegetation where the alteration is proposed does not consist of dominant
1456 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
1457 of this vegetation is not the result of any violation of law;

1458 b. the wetland or ~~((lake shoreline))~~ aquatic area is not a salmonid spawning
1459 area; and

1460 c. hazardous substances or toxic materials are not used~~((; and~~

1461 ~~d. if located in a freshwater lake, the pier or dock conforms to the standards for~~
1462 ~~docks under K.C.C. 21A.25.180)).~~

1463 10. Allowed ~~((on type N or O aquatic areas))~~ if:

1464 a. hazardous substances or toxic materials are not used;

1465 b. the aquatic area is not a salmonid spawning area; and

1466 c. on type S or F aquatic areas, complies if in compliance with K.C.C.

1467 21A.25.180.

1468 11. ~~((Allowed on type S or F aquatic areas outside of the severe channel~~
1469 ~~migration hazard area if in compliance with K.C.C. 21A.25.180))~~ Repealed.

1470 12. ~~((When located on a lake, must be in compliance with K.C.C. 21A.25.180))~~

1471 Repealed.

1472 13. Limited to steep slope hazard areas and associated buffers only, for the
1473 purposes of regrading and stabilizing of a slope formed as a result of a legal grading
1474 activity.

1475 14. ~~((The following are allowed in the severe channel migration hazard area if~~
1476 ~~conducted more than one hundred sixty five feet from the ordinary high water mark in~~
1477 ~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary~~
1478 ~~high water mark in the urban area:~~

1479 a. ~~grading of up to fifty cubic yards on lot less than five acres; and~~
1480 b. ~~clearing of up to one thousand square feet or up to a cumulative thirty five~~
1481 ~~percent of the severe channel migration hazard area.))~~ Allowed for emergency work in
1482 alluvial fan hazard area and overlapping critical areas if:

1483 a. in response to an emergency event where channel avulsion or migration is
1484 imminent or has occurred as a result of a pulse of in-channel sediment or debris
1485 deposition;

1486 b. to prevent an imminent threat to:

1487 (1) public roadways, utilities, and other infrastructure;
1488 (2) sole access driveways and roads;
1489 (3) dwelling units, accessory dwelling units, or accessory living quarters, and
1490 residential accessory structures;

1491 (4) farm structures necessary to store equipment, produce, or livestock;
1492 c. conducted under an approved emergency authorization request per K.C.C.
1493 16.082.065;

1494 d. the emergency work is completed within thirty days of receiving a written
1495 emergency authorization;

1496 e. the emergency work is the minimum necessary bank stabilization, sediment
1497 removal, or repair of existing infrastructure to mitigate the imminent threat;

1498 f. proposed in-stream work is minimized or results in the least impact in the
1499 short term to the ecological functions and values of the critical areas present, including
1500 special consideration for fish or fish eggs in the project area;

1501 g. downstream sediment runoff and turbidity is minimized and does not exceed
1502 the impact of the emergency event;

1503 h. the applicant provides sufficient notice of work to the department for a
1504 department representative to be present at the site during work activities, if the
1505 department determines that observation is necessary;

1506 i. as part of the permitting process following the emergency authorization, the
1507 applicant proposes compensatory mitigation and additional alterations as necessary to:

1508 (1) mitigate any adverse ecological impacts of the emergency actions;
1509 (2) minimize the risk of alluvial fan hazards that could result in the necessity
1510 of future emergency actions to the maximum extent practical; and

1511 (3) minimize to the maximum extent practical the frequency and magnitude
1512 of future adverse ecological impacts that may result from future hazard mitigation
1513 activities; and

1514 j. nonemergency work required under the subsequent permit occurs during
1515 approved periods for in-stream work and conforms to all other standards in this chapter.

1516 15. Only where erosion or landsliding threatens a primary structure, utility
1517 facility, roadway, driveway, or public trails, (~~((aquatic area or wetland if,))~~) and to the
1518 maximum extent practical, stabilization work does not disturb the slope and its vegetative
1519 cover and any associated critical areas.

1520 16. Allowed (~~((when))~~) for projects performed by(~~(,))~~ or at the direction of (~~(or~~
1521 ~~authorized by))~~) a government agency in accordance with regional road construction and
1522 maintenance guidelines.

1523 17. Allowed (~~((when))~~) for projects not performed under the direction of a
1524 government agency only if:

1525 a. the maintenance or expansion does not involve the use of herbicides,
1526 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian
1527 areas, wetlands, or (~~((their))~~) associated buffers; and

1528 b. when maintenance, expansion, or replacement of bridges or culverts
1529 involves water used by salmonids:

1530 (1) the work (~~((is in compliance))~~) complies with ditch standards in public rule;
1531 and

1532 (2) the maintenance of culverts is limited to removal of sediment and debris
1533 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
1534 damaged bank or channel immediately adjacent to the culvert and shall not involve the
1535 excavation of a new sediment trap adjacent to the inlet.

1536 18. Allowed for the removal of hazard trees and vegetation as necessary for
1537 surveying or testing purposes.

1538 19. The limited trimming, pruning, or removal of vegetation under a vegetation
1539 management plan approved by the department:

1540 a. in steep slope and landslide hazard areas, for the making and maintenance of
1541 view corridors; and

1542 b. in all critical areas, for habitat enhancement, invasive species control, or
1543 forest management activities.

1544 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or
1545 fruits, for restoration and enhancement projects is allowed.

1546 21. ~~((Cutting of firewood is subject to the following:~~
1547 ~~a. within))~~ Allowed only for personal use in a buffer or wildlife habitat
1548 ~~((conservation area, cutting firewood is not allowed;))~~ network if:

1549 b. done in accordance with an approved forest management plan;
1550 c. no tree containing an active nest is cut; and
1551 d. within a wildlife habitat network, cutting shall be in accordance with a
1552 management plan approved under K.C.C. 21A.24.386(; ~~and~~
1553 ~~e. within a critical area buffer, cutting shall be for personal use and in~~
1554 ~~accordance with an approved forest management plan or rural stewardship plan)).~~

1555 22. ~~((Allowed only in buffers if in accordance with best management practices~~
1556 ~~approved by the King County fire marshal))~~ Not allowed in wetlands, aquatic areas,
1557 wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated
1558 buffers within the wildland urban interface if limited to the activities listed in K.C.C.
1559 16.82.051.E.23.

1560 23. ~~((Allowed as follows:~~

1561 a. ~~if conducted in accordance with an approved forest management plan, farm~~
1562 ~~management plan, or rural stewardship plan; or~~
1563 b. ~~without an approved forest management plan, farm management plan, or~~
1564 ~~rural stewardship plan, only if:~~
1565 (1) ~~removal is undertaken with hand labor, including hand held mechanical~~
1566 ~~tools, unless the King County noxious weed control board otherwise prescribes the use of~~
1567 ~~riding mowers, light mechanical cultivating equipment, or herbicides or biological~~
1568 ~~control methods;~~
1569 (2) ~~the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~
1570 (3) ~~the cleared area is revegetated with native vegetation and stabilized~~
1571 ~~against erosion; and~~
1572 (4) ~~herbicide use is in accordance with federal and state law;)) Repealed.~~
1573 24. Allowed to repair or replace existing on-site wastewater disposal systems in
1574 accordance with the applicable public health standards within Marine Recovery Areas
1575 adopted by ~~((the P))~~public ~~((H))~~health - Seattle & King County and:
1576 a. there is no alternative location available with less impact on the critical area;
1577 b. ~~((impacts to the critical area are minimized to the maximum extent~~
1578 ~~practicable;~~
1579 e.)) the alterations will not subject the critical area to increased risk of
1580 landslide or erosion;
1581 ~~((d.))~~ c. vegetation removal is the minimum necessary to accommodate the
1582 septic system; and

1583 ~~((e-))~~ d. significant risk of personal injury is eliminated or minimized in the
1584 landslide hazard area.

1585 25. Only if in compliance with published Washington state Department of Fish
1586 and Wildlife and Washington state Department of Natural Resources ~~((M))~~ management
1587 standards for the species. If there are no published Washington state standards, only if in
1588 compliance with management standards determined by the county to be consistent with
1589 best available science.

1590 26. Allowed only if:

1591 a. there is ~~((not another))~~ no other feasible location with less ~~((adverse))~~ impact
1592 on the critical area and ~~((its))~~ associated buffer;

1593 b. the ~~((corridor))~~ road is not located over habitat used for salmonid rearing or
1594 spawning or by a species listed as endangered or threatened by the state or federal
1595 government unless the department determines that there is no other feasible crossing
1596 site~~((-))~~;

1597 c. the ~~((corridor))~~ width is minimized to the maximum extent practical;

1598 d. the construction occurs during approved periods for instream work;

1599 e. the ~~((corridor))~~ alteration will not change or diminish the overall aquatic
1600 area flow peaks, duration, or volume or the flood storage capacity; and

1601 f. no new ~~((public right-of-way is))~~ roads are established within a severe
1602 channel migration hazard area.

1603 27. To the maximum extent practical, during breeding season established under
1604 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy
1605 equipment are not operated within a wildlife habitat conservation area.

1606 28. Allowed only if:

1607 a. an alternative access is not available;

1608 b. impact to the critical area is minimized to the maximum extent practical

1609 including the use of walls to limit the amount of cut and fill necessary;

1610 c. the risk associated with landslide and erosion is minimized;

1611 d. access is located where it is least subject to risk from channel migration; and

1612 e. construction occurs during approved periods for instream work.

1613 29. ~~((Only if in compliance with a farm management plan in accordance with~~

1614 ~~K.C.C. 21A.24.051.))~~ Allowed for residential utility service distribution lines to

1615 residential dwellings, including, but not limited to, well water conveyance, septic system

1616 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

1617 a. there is no alternative location with less impact on the critical area or the

1618 critical area buffer;

1619 b. the residential utility service distribution lines meet ~~((all of))~~ the following,

1620 to the maximum extent practical:

1621 (1) are not located over habitat used for salmonid rearing or spawning or by a

1622 species listed as endangered or threatened by the state or federal government unless the

1623 department determines that there is no other feasible crossing site;

1624 (2) not located over a type S aquatic area;

1625 (3) paralleling the channel or following a down-valley route near the channel

1626 is avoided;

1627 (4) the width of clearing is minimized;

1628 (5) the removal of trees greater than twelve inches diameter at breast height is
1629 minimized;

1630 (6) an additional, contiguous, and undisturbed critical area buffer, equal in
1631 area to the disturbed critical area buffer area is provided to protect the critical area;

1632 (7) access for maintenance is at limited access points into the critical area
1633 buffer.

1634 (8) the construction occurs during approved periods for instream work;

1635 (9) bored, drilled, or other trenchless crossings are encouraged, and shall be
1636 laterally constructed at least four feet below the maximum depth of scour for the base
1637 flood; and

1638 (10) open trenching across Type O or Type N aquatic areas is only used
1639 during low flow periods or only within aquatic areas when they are dry.

1640 30. Allowed only if:

1641 a. the new construction or replacement is made fish passable in accordance
1642 with the most recent Washington state Department of Fish and Wildlife manuals or with
1643 the National Marine and Fisheries Services guidelines for federally listed salmonid
1644 species; and

1645 b. the site is ~~((restored))~~ revegetated with ~~((appropriate))~~ native vegetation or
1646 climate-adaptive plants in accordance with an approved mitigation plan.

1647 31. Allowed if necessary to bring the bridge or culvert up to current standards
1648 and if:

1649 a. there is no~~((t-an))~~ other feasible alternative available with less impact on the
1650 aquatic area and ~~((its buffer))~~ adjacent riparian area; and

1651 b. to the maximum extent practical, the bridge or culvert is located to minimize
1652 impacts to the aquatic area and ~~((its buffers))~~ adjacent riparian area.

1653 32. Allowed in an existing roadway if conducted consistent with the regional
1654 road maintenance guidelines.

1655 33. ~~((Allowed))~~ When outside the roadway, allowed if:

1656 a. the alterations will not subject the critical area to an increased risk ~~((of))~~
1657 from landslide, alluvial fan, or erosion hazards;

1658 b. vegetation removal is the minimum necessary to locate the utility or
1659 construct the corridor; and

1660 c. significant risk of personal injury is eliminated or minimized in the landslide
1661 or alluvial fan hazard area.

1662 34. Limited to the pipelines, cables, wires, and support structures of utility
1663 facilities within utility corridors if:

1664 a. there is no alternative location with less ~~((adverse))~~ impact on the critical
1665 area and critical area buffer;

1666 b. new utility corridors meet ~~((all of))~~ the following to the maximum extent
1667 practical:

1668 (1) are not located over habitat used for salmonid rearing or spawning or by a
1669 species listed as endangered or threatened by the state or federal government unless the
1670 department determines that there is no other feasible crossing site;

1671 (2) the mean annual flow rate is less than twenty cubic feet per second; and

1672 (3) paralleling the channel or following a down-valley route near the channel
1673 is avoided;

1674 c. to the maximum extent practical utility corridors are located so that:

1675 (1) the width is the minimized;

1676 (2) the removal of trees greater than twelve inches diameter at breast height is

1677 minimized;

1678 (3) an additional, contiguous, and undisturbed critical area buffer, equal in

1679 area to the disturbed critical area buffer area including any allowed maintenance roads, is

1680 provided to protect the critical area;

1681 d. to the maximum extent practical, access for maintenance is at limited access

1682 points into the critical area buffer rather than by a parallel maintenance road. If a parallel

1683 maintenance road is necessary, the following standards are met:

1684 (1) to the maximum extent practical, the width of the maintenance road is

1685 minimized and in no event greater than fifteen feet; and

1686 (2) the location of the maintenance road is contiguous to the utility corridor

1687 on the side of the utility corridor farthest from the critical area;

1688 e. the utility corridor or facility will not adversely impact the overall critical

1689 area hydrology or diminish flood storage capacity;

1690 f. the construction occurs during approved periods for instream work;

1691 g. the utility corridor serves multiple purposes and properties to the maximum

1692 extent practical;

1693 h. bridges or other construction techniques that do not disturb the critical areas

1694 are used to the maximum extent practical;

1695 i. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed at

1696 least four feet below the maximum depth of scour for the base flood;

1697 j. bridge piers or abutments for bridge crossing are not placed within the
1698 FEMA floodway or the ordinary high water mark;

1699 k. open trenching is only used during low flow periods or only within aquatic
1700 areas when they are dry. The department may approve open trenching of type S or F
1701 aquatic areas only if there is not a feasible alternative and ~~((equivalent or greater))~~ equal
1702 or better environmental protection can be achieved; and

1703 l. minor communication facilities may collocate on existing utility facilities if:
1704 (1) no new transmission support structure is required; and
1705 (2) equipment cabinets are located on the transmission support structure.

1706 35. Allowed only for new utility facilities in existing utility corridors.

1707 36. Allowed for onsite private individual utility service connections or private
1708 or public utilities if the disturbed area is not expanded and no hazardous substances,
1709 pesticides or fertilizers are applied.

1710 37. Allowed if the disturbed area is not expanded, clearing is limited to the
1711 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are
1712 applied.

1713 38. Allowed if:
1714 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~
1715 riparian area, and discharging into the wetland buffer, ~~((or aquatic area buffer))~~ riparian
1716 area, or at the wetland or aquatic area edge, has less ~~((adverse))~~ impact upon the wetland
1717 ~~((or)),~~ wetland buffer, aquatic area ~~((or wetland or aquatic area buffer))~~, or riparian area
1718 than if the surface water were discharged at the buffer~~((s))~~ or riparian area edge and
1719 allowed to naturally drain through the buffer or riparian area;

1720 b. the volume of discharge is minimized through application of low impact
1721 development and water quality measures identified in the ((King County)) Surface Water
1722 Design Manual;

1723 c. the conveyance and outfall are installed with hand equipment where
1724 feasible;

1725 d. the outfall shall include bioengineering techniques where feasible; and
1726 e. the outfall is designed to minimize ((adverse)) impacts to critical areas.

1727 39. Allowed only if:

1728 a. there is no feasible alternative with less impact on the critical area and ((its))
1729 associated buffer;

1730 b. to the maximum extent practical, the bridge or culvert is located to minimize
1731 impacts to the critical area and ((its)) associated buffer;

1732 c. the bridge or culvert is not located over habitat used for salmonid rearing or
1733 spawning unless there is no other feasible crossing site;

1734 d. construction occurs during approved periods for in-stream work; and
1735 e. bridge piers or abutments for bridge crossings are not placed within the
1736 FEMA floodway, severe channel migration hazard area₂ or waterward of the ordinary
1737 high water mark.

1738 40. Allowed for an open, vegetated stormwater management conveyance system
1739 and outfall structure that simulates natural conditions if:

1740 a. fish habitat features necessary for feeding, cover₁ and reproduction are
1741 included when appropriate;

1742 b. vegetation is maintained and added adjacent to all open channels and ponds,
1743 if necessary to prevent erosion, filter out sediments, or shade the water; and
1744 c. bioengineering techniques are used to the maximum extent practical.

1745 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
1746 a. necessary to avoid erosion of slopes; and
1747 b. bioengineering techniques are used to the maximum extent practical.

1748 42. Allowed in a severe channel migration hazard area, riparian area, or an
1749 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:
1750 a. if consistent with the Integrated Streambank Protection Guidelines
1751 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
1752 techniques are used to the maximum extent practical, unless the applicant demonstrates
1753 that other methods provide equivalent structural stabilization and environmental function;
1754 b. based on a critical area((s)) report, the department determines that the new
1755 flood protection facility will not cause ~~((significant))~~ impacts to upstream or downstream
1756 properties; and
1757 c. to prevent bank erosion for the protection of:
1758 (1) public roadways;
1759 (2) sole access routes in existence before February 16, 1995;
1760 (3) new primary dwelling units, accessory dwelling units, or accessory living
1761 quarters and residential accessory structures located outside the severe channel migration
1762 hazard area if:
1763 (a) the site is adjacent to or abutted by properties on both sides containing
1764 buildings or sole access routes protected by legal bank stabilization in existence before

1765 February 16, 1995. The buildings, sole access routes, or bank stabilization ~~((must))~~ shall
1766 be located no more than six hundred feet apart as measured parallel to the migrating
1767 channel; and

1768 (b) the new primary dwelling units, accessory dwelling units, accessory
1769 living quarters or residential accessory structures are located no closer to the aquatic area
1770 than existing primary dwelling units, accessory dwelling units, accessory living quarters,
1771 or residential accessory structures on abutting or adjacent properties; or

1772 (4) existing primary dwelling units, accessory dwelling units, accessory living
1773 quarters, or residential accessory structures if:

1774 (a) the structure was in existence before the adoption date of a King County
1775 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

1776 (b) the structure is in imminent danger, as determined by a ~~((geologist,~~
1777 ~~engineering geologist or geotechnical engineer))~~ geological professional;

1778 (c) the applicant has demonstrated that the existing structure is at risk, and
1779 the structure and supporting infrastructure cannot be relocated on the lot further from the
1780 source of channel migration; and

1781 (d) nonstructural measures are not feasible.

1782 43. Applies to ~~((lawfully))~~ legally established existing structures if:

1783 a. the height of the facility is not increased, unless the facility is being replaced
1784 in a new alignment that is landward of the previous alignment and enhances aquatic area
1785 habitat and process;

1786 b. the linear length of the facility is not increased, unless the facility is being
1787 replaced in a new alignment that is landward of the previous alignment and enhances
1788 aquatic area habitat and process;

1789 c. the footprint of the facility is not expanded waterward;

1790 d. consistent with the Integrated Streambank Protection Guidelines
1791 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
1792 techniques are used to the maximum extent practical;

1793 e. the site is restored with appropriate native vegetation or climate-adaptive
1794 plants and erosion protection materials in accordance with an approved mitigation plan;
1795 and

1796 f. based on a critical area((s)) report, the department determines that the
1797 maintenance, repair, replacement, or construction will not cause ((significant)) impacts to
1798 upstream or downstream properties.

1799 44. Allowed in type N and O aquatic areas if done in the least impacting way at
1800 the least impacting time of year, in conformance with applicable best management
1801 practices, and all affected instream and ((buffer)) riparian area features are restored.

1802 45. Allowed in ((a)) type S or F ((water)) aquatic areas when such work is:

1803 a. included as part of a project to evaluate, restore, mitigate, or ((improve))
1804 enhance habitat((-and));

1805 b. sponsored or cosponsored by an Indian tribe, ((public)) government agency,
1806 nonprofit organization that has natural resource management as a function, or ((by a
1807 federally recognized tribe)) a higher education institution; and

1808 c. in compliance with the criteria of subsection D.49. of this section.

1809 46. Allowed ~~((as long as))~~ if the trail surface is ~~((not))~~ constructed of
1810 ~~((im))~~pervious surfaces that ~~((will))~~ does not contribute to surface water run~~((-))~~off,
1811 ~~((unless))~~ except when the construction is necessary for soil stabilization, ~~((or))~~ soil
1812 erosion prevention, or ~~((unless the trail system is specifically designed and))~~ intended to
1813 be accessible to ~~((handicapped))~~ persons with disabilities.

1814 47. ~~((Not allowed in a wildlife habitat conservation area. Otherwise,~~
1815 a))Allowed only in ((the buffer)) a riparian area or wetland buffer, or for crossing a
1816 category II, III, or IV wetland or a type F, N, or O aquatic area, or a wildlife habitat
1817 network, if:

1818 a. the trail surface is ~~((made))~~ constructed of pervious materials, except ~~((that~~
1819 ~~public multipurpose trails))~~ when a public trail is intended to be accessible to persons
1820 with disabilities may be made of impervious materials if they meet all the requirements in
1821 K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be
1822 constructed as a raised boardwalk or bridge;

1823 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat
1824 network areas are expanded equal to the width of the trail corridor including disturbed
1825 areas;

1826 c. there is not another feasible location with less ~~((adverse))~~ impact on the
1827 critical area and ~~((its))~~ associated buffer;

1828 d. the trail is not located over habitat used for salmonid rearing or spawning or
1829 by a species listed as endangered or threatened by the state or federal government unless
1830 the department determines that there is no other feasible crossing site;

1831 e. the trail width is minimized to the maximum extent practical and private
1832 foot trails are limited to three feet in width;
1833 f. the construction occurs during approved periods for instream work; ~~((and))~~
1834 g. the trail corridor will not change or diminish the overall aquatic area flow
1835 peaks, duration or volume or the flood storage capacity~~((:))~~;
1836 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
1837 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
1838 the maximum extent practical;
1839 i. trail maintenance or expansion does not involve the use of herbicides,
1840 hazardous substances, sealants, or other liquid oily substances within aquatic areas,
1841 riparian areas, wetlands, or associated buffers;
1842 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a
1843 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform
1844 or to a permitted dock or pier; and
1845 ~~((i-A))~~ k. a private viewing platform may be allowed if it is:
1846 (1) located upland from the wetland edge or the ordinary high water mark of
1847 an aquatic area;
1848 (2) located where it will not be detrimental to the functions of the wetland or
1849 aquatic area and will have the least adverse environmental impact on the critical area or
1850 ~~((its))~~ associated buffer;
1851 (3) limited to fifty square feet in size;
1852 (4) constructed of materials that are nontoxic; and
1853 (5) on footings located outside of the wetland or aquatic area.

1854 48. Only if the maintenance:

1855 a. does not involve the use of herbicides or other hazardous substances except

1856 for the removal of noxious weeds or invasive vegetation;

1857 b. when salmonids are present, the maintenance is in compliance with ditch

1858 standards in public rule; and

1859 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,

1860 culvert, engineered slope, or other improved area being maintained.

1861 49. Limited to alterations to create, restore, or enhance habitat forming

1862 processes or ~~((directly restore))~~ habitat functions and values, including ~~((access for))~~

1863 construction access necessary for the project, as follows:

1864 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~

1865 ~~resource management as a primary function or by a federally recognized tribe;~~

1866 ~~b. restoration and enhancement plans prepared by a qualified biologist; or~~

1867 ~~c. conducted in accordance with an approved forest management plan, farm~~

1868 ~~management plan or rural stewardship plan))~~ projects shall provide a net ecological

1869 benefit and increase in functions over the existing ecological and functional conditions of

1870 the critical area; and

1871 b. an ecological critical area report shall include:

1872 (1) an evaluation of the anticipated net change in ecological functions from

1873 pre-project to post project; and

1874 (2) a monitoring and reporting plan to demonstrate the gain of ecological

1875 function.

1876 50. Allowed in accordance with a scientific sampling permit issued by
1877 Washington state Department of Fish and Wildlife or an incidental take permit issued
1878 under Section 10 of the Endangered Species Act.

1879 51.a. Allowed ~~((for the))~~ if done with minimal clearing and grading, including
1880 site access, necessary to prepare critical area reports.

1881 ~~((52.))~~ b. The following are allowed in a wetland, wetland buffer, aquatic area,
1882 riparian area, and severe channel migration hazard area if associated spoils are contained:

1883 ~~((a.))~~ (1) data collection and research if carried out to the maximum extent
1884 practical by nonmechanical or hand~~((--))~~held equipment;

1885 ~~((b.))~~ (2) survey monument placement;

1886 ~~((c.))~~ (3) site exploration and gage installation if performed in accordance with
1887 state-approved sampling protocols and accomplished to the maximum extent practical by
1888 hand~~((--))~~held equipment ~~((and))~~; or

1889 (4) similar work associated with an incidental take permit issued under
1890 Section 10 of the Endangered Species Act or consultation under Section 7 of the
1891 Endangered Species Act.

1892 52. Repealed.

1893 53. ~~((Limited to))~~ a. Allowed for agricultural activities in the same footprint if:

1894 (1) in continuous existence ~~((since))~~ as of January 1, 2005~~((, with no~~
1895 ~~expansion within the critical area or critical area buffer))~~; or

1896 (2) legally established after January 1, 2005, and in continuous existence since
1897 establishment.

1898 b. "Continuous existence" includes cyclical operations and managed periods of
1899 soil restoration, enhancement or other fallow states not exceeding seven years and
1900 associated with these ~~((horticultural and))~~ agricultural activities. Transfer of ownership,
1901 sale, or leasing of land shall not affect continuous existence.

1902 54. Only ((A)) allowed ((for)) as follows:

1903 a. Limited to the following activities:

1904 (1) expansion of existing agricultural activities qualifying under subsection
1905 D.53. of this subsection;

1906 (2) conversion of one type of agricultural activity to another, including
1907 changing the types of crops harvesting method or changing from crops to livestock,
1908 qualifying under subsection D.53. of this section; or

1909 (3) establishment of new agricultural activities; ~~((where:~~

1910 ~~a. the site is predominantly involved in the practice of agriculture;))~~

1911 b. agriculture is the primary activity on the site;

1912 c. there is no expansion or new activity in ~~((to))~~ an area that:

1913 (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G
1914 forest practice permit; ((or))

1915 (2) is ~~((more than ten thousand square feet with tree cover at a uniform~~
1916 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~
1917 ~~the trees at least four inches diameter at breast height, not including))~~ an aquatic area or a
1918 wetland, except grazed or tilled wet meadows; or

1919 (3) is a wetland buffer or riparian area that contains predominately native
1920 forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or

1921 herbaceous layer excludes areas ~~((that are actively managed as agricultural crops for~~
 1922 ~~pulpwood, Christmas trees or ornamental nursery stock))~~ where native species are
 1923 commercially planted and harvested as crops; and
 1924 ~~((e-))~~ d. the activities are ~~((in compliance))~~ consistent with an approved farm
 1925 management plan in accordance with K.C.C. 21A.24.051, including any best
 1926 management practices applicable to the activity~~((; and~~
 1927 ~~d. all best management practices associated with the activities specified in the~~
 1928 ~~farm management plan are installed and maintained)).~~
 1929 55. Only allowed if:
 1930 a. associated with an activity that qualifies under subsection D.53. or D.54. of
 1931 this section;
 1932 b. located in an existing grazed, ~~((or))~~ tilled ~~((wet meadows or their buffers if:~~
 1933 ~~a. the facilities are designed to the standards of an approved farm management~~
 1934 ~~plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in~~
 1935 ~~accordance with K.C.C. chapter 21A.30)), or impervious area;~~
 1936 c. there is no expansion or new activity in areas identified in subsection D.54.c.
 1937 of this section;
 1938 ~~((b-))~~ d. there is ~~((not a))~~ no other feasible alternative location available on the
 1939 site that is located outside of the critical area or associated buffer; ~~((and~~
 1940 ~~e-))~~ e. the alteration is consistent with an approved farm management plan in
 1941 accordance with K.C.C. 21A.24.051, including any best management practices applicable
 1942 to the activity; and

1943 f. ~~the ((facilities are))~~ alteration is located as close to the outside edge of the
1944 critical area or critical area buffer to the maximum extent practical; and

1945 g. within a severe channel migration hazard area, the alteration is located:
1946 (1) outside of the shoreline jurisdiction; and
1947 (2) in an area with the least risk from channel migration.

1948 56. ~~((Only allowed in:~~

1949 a. ~~(1) a severe channel migration hazard area located outside of the shorelines~~
1950 ~~jurisdiction area;~~

1951 ~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~
1952 ~~(3) aquatic area buffer; and only if:~~

1953 b. ~~(1) the applicant demonstrates that adverse impacts to the critical area and~~
1954 ~~critical area buffers have been minimized;~~

1955 ~~(2) there is not another feasible location available on the site that is located~~
1956 ~~outside of the critical area or critical area buffer;~~

1957 ~~(3) the farm pad is designed to the standards in an approved farm~~
1958 ~~management plan in accordance with K.C.C. 21A.24.051; and~~

1959 ~~(4) for proposals located in the severe channel migration hazard area, the~~
1960 ~~farm pad or livestock manure storage facility is located where it is least subject to risk~~
1961 ~~from channel migration.~~

1962 57.)) Allowed for new agricultural drainage ~~((in compliance))~~ consistent with an
1963 approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((and all)),~~
1964 including any best management practices ((associated with)) applicable to the ((activities
1965 specified in the farm management plan are installed and maintained)) activity.

1966 ((58.-H)) 57. Allowed as follows:

1967 a. if conducted in accordance with an approved forest management plan or

1968 farm management plan in accordance with K.C.C. 21A.24.051; or

1969 b. without an approved forest management plan or farm management plan,

1970 only if:

1971 (1) the agricultural drainage is not used by salmonids~~((, maintenance shall be~~

1972 ~~in compliance with an approved farm management plan in accordance with K.C.C.~~

1973 ~~21A.24.051));~~

1974 (2) vegetation removal is undertaken with hand labor, including handheld

1975 mechanical tools, unless the King County noxious weed control board otherwise

1976 prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides,

1977 or biological control methods;

1978 (3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1979 (4) the cleared area is revegetated with native vegetation or climate-adaptive

1980 plants and stabilized against erosion; and

1981 (5) herbicide use is in accordance with federal and state law.

1982 58. Only for maintenance of agricultural waterways if:

1983 a. the purpose of the maintenance is to improve agricultural production on a

1984 site predominately engaged in the practice of agriculture;

1985 b. the maintenance is conducted in compliance with a hydraulic project

1986 approval issued by the Washington state Department of Fish and Wildlife in accordance

1987 with chapter 77.55 RCW;

1988 c. the maintenance complies with the King County agricultural drainage
1989 assistance program as agreed to by the Washington state Department of Fish and
1990 Wildlife, the department of local services, permitting division, and the department of
1991 natural resources and parks, and as reviewed by the Washington state Department of
1992 Ecology;

1993 d. the person performing the maintenance and the landowner have attended
1994 training provided by King County on the King County agricultural drainage assistance
1995 program and the best management practices required under that program;

1996 e. the maintenance complies with K.C.C. chapter 16.82; and

1997 f. the alteration is consistent with an approved farm management plan in
1998 accordance with K.C.C. 21A.24.051.

1999 59. Allowed ~~((within existing landscaped areas or other previously disturbed~~
2000 ~~areas))~~ on sites with an activity that qualifies under subsections D.53. or 54. of this
2001 section when:

2002 a. consistent with an approved farm management plan in accordance with
2003 K.C.C. 21A.24.051, including any best management practices applicable to the activity;

2004 b. there is no other feasible location with less impact on critical areas and
2005 associated buffers;

2006 c. in compliance with the Surface Water Design Manual, which includes:

2007 (1) farmland dispersion requirements for properties within an Agricultural
2008 Production District, enrolled in the Farmland Preservation Program, or zoned A; or

2009 (2) any applicable flow control best management practices for all other
2010 properties;

2011 d. access is located where it is least subject to risk from channel migration;
2012 e. a floodplain development permit is obtained for any action within the
2013 floodplain; and
2014 f. all other required state and federal permits have been obtained and actions
2015 comply with such permits.

2016 60. ~~((Allowed for residential utility service distribution lines to residential~~
2017 ~~dwellings, including, but not limited to, well water conveyance, septic system~~
2018 ~~conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~
2019 ~~a. there is no alternative location with less adverse impact on the critical area~~
2020 ~~or the critical area buffer;~~
2021 ~~b. the residential utility service distribution lines meet all of the following, to~~
2022 ~~the maximum extent practical:~~

2023 ~~(1) are not located over habitat used for salmonid rearing or spawning or by a~~
2024 ~~species listed as endangered or threatened by the state or federal government unless the~~
2025 ~~department determines that there is no other feasible crossing site;~~

2026 ~~(2) not located over a type S aquatic area;~~

2027 ~~(3) paralleling the channel or following a down valley route near the channel~~
2028 ~~is avoided;~~

2029 ~~(4) the width of clearing is minimized;~~

2030 ~~(5) the removal of trees greater than twelve inches diameter at breast height is~~
2031 ~~minimized;~~

2032 ~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in~~
2033 ~~area to the disturbed critical area buffer area is provided to protect the critical area;~~

2034 ~~(7) access for maintenance is at limited access points into the critical area~~
2035 ~~buffer.~~

2036 ~~(8) the construction occurs during approved periods for instream work;~~

2037 ~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be~~
2038 ~~laterally constructed at least four feet below the maximum depth of scour for the base~~
2039 ~~flood; and~~

2040 ~~(10) open trenching across Type O or Type N aquatic areas is only used~~
2041 ~~during low flow periods or only within aquatic areas when they are dry.)) Limited to~~
2042 ~~nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers,~~
2043 ~~riparian areas where:~~

2044 a. the primary use of the site is an activity qualifying under subsection D.53. or
2045 54. of this section;

2046 b. the structure is consistent with an approved farm management plan in
2047 accordance with K.C.C. 21A.24.051, including any best management practices applicable
2048 to the structure;

2049 c. the structure is either:

2050 (1) on or adjacent to existing nonresidential impervious surface areas,
2051 additional impervious surface area is not created waterward of any existing impervious
2052 surface areas, and the area was not used for crop production;

2053 (2) higher in elevation and no closer to the critical area than its existing
2054 position; or

2055 (3) at a location away from existing impervious surface areas that is
2056 determined to be the optimum location in the farm management plan;

2057 d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2058 require the development of a farm management plan if required best management
2059 practices are followed and the installation does not require clearing of critical areas or
2060 their buffers; and

2061 e. in an alluvial fan hazard area or a severe channel migration hazard area if:

2062 (1) there is no feasible alternative location on-site;

2063 (2) the structure is located where it is least subject to risk from alluvial fan
2064 hazards or channel migration;

2065 (3) the structure is not used to house animals or store hazardous substances;
2066 and

2067 (4) the total footprint of all accessory structures within the severe channel
2068 migration hazard area will not exceed the greater of one thousand square feet or two
2069 percent of the severe channel migration hazard area on the site.

2070 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2071 district, or the department of natural resources and parks and the department of local
2072 services, permitting division, determines that the project and its location:

2073 a. is the best flood risk reduction alternative ~~((practicable))~~ practical;

2074 b. is part of a comprehensive, long-term flood management strategy;

2075 c. is consistent with the King County Flood Management Plan policies;

2076 d. will have the least ~~((adverse))~~ impact on the ecological functions of the
2077 critical area or ~~((its))~~ associated buffer, including habitat for fish and wildlife that are
2078 identified for protection in the King County Comprehensive Plan; and

2079 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2080 62.a. Not allowed in wildlife habitat conservation areas;

2081 b. Only allowed if:

2082 (1) the project is sponsored or cosponsored by a public agency whose primary

2083 function ~~((deals with))~~ is natural resources management;

2084 (2) the project is located on public land or on land that is owned by a

2085 nonprofit agency whose primary function ~~((deals with))~~ is natural resources management;

2086 (3) there is not a feasible alternative location available on the site with less

2087 impact to the critical area or ~~((its))~~ associated buffer;

2088 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

2089 (5) the project minimizes the footprint of structures and the number of access

2090 points to any critical areas; and

2091 (6) the project meets the following design criteria:

2092 (a) to the maximum extent practical size of platform shall not exceed one

2093 hundred square feet;

2094 (b) all construction materials for any structures, including the platform,

2095 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as

2096 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,

2097 fiberglass, or cured concrete that the department determines will not have an ~~((adverse))~~

2098 impact on water quality;

2099 (c) the exterior of any structures are sufficiently camouflaged using netting

2100 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent

2101 practical. The camouflage shall be maintained to retain concealment effectiveness;

2102 (d) structures shall be located outside of the wetland or aquatic area
2103 landward of the ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water
2104 component, ~~((f))~~if applicable~~((g))~~, to the maximum extent practical on the site;
2105 (e) construction occurs during approved periods for work inside the
2106 ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;
2107 (f) construction associated with bird blinds shall not occur from March 1
2108 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
2109 and rearing seasons;
2110 (g) to the maximum extent practical, provide accessibility for persons with
2111 physical disabilities in accordance with the International Building Code;
2112 (h) trail access is designed in accordance with public rules adopted by the
2113 department;
2114 (i) existing native vegetation within the critical area will remain undisturbed
2115 except as necessary to accommodate the ~~((proposal))~~ project. Only minimal hand
2116 clearing of vegetation is allowed; and
2117 (j) disturbed bare ground areas around the structure ~~((must))~~ shall be
2118 ~~((replanted))~~ revegetated with native vegetation or climate-adaptive plants approved by
2119 the department.
2120 63. ~~((Not a))~~Allowed ~~((in the severe channel migration zone,))~~ if there is no
2121 alternative location with less ~~((adverse))~~ impact on the critical area and buffer, and
2122 clearing is minimized to the maximum extent practical.

2123 64. ~~((Only structures wholly or partially supported by a tree and used as~~
2124 ~~accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1,~~
2125 ~~subject to the following:~~

2126 ~~a. not allowed in wildlife habitat conservation areas or severe channel~~
2127 ~~migration hazard areas;~~

2128 ~~b. the structure's floor area shall not exceed two hundred square feet, excluding~~
2129 ~~a narrow access stairway or landing leading to the structure;~~

2130 ~~c. the structure shall be located as far from the critical area as practical, but in~~
2131 ~~no case closer than seventy-five feet from the critical area;~~

2132 ~~d. only one tree-supported structure within a critical area buffer is allowed on a~~
2133 ~~lot;~~

2134 ~~e. all construction materials for the structure, including the platform, pilings,~~
2135 ~~exterior and interior walls, and roof, shall be constructed of nontoxic material, such as~~
2136 ~~nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,~~
2137 ~~fiberglass or cured concrete that the department determines will not have an adverse~~
2138 ~~impact on water quality;~~

2139 ~~f. to the maximum extent practical, the exterior of the structure shall be~~
2140 ~~camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife~~
2141 ~~and visibility from the critical area. The camouflage shall be maintained to retain~~
2142 ~~concealment effectiveness;~~

2143 ~~g. the structure must not adversely impact the long-term health and viability of~~
2144 ~~the tree. The evaluation shall include, but not be limited to, the following:~~

2145 ~~(1) the quantity of supporting anchors and connection points to attach the tree~~
2146 ~~house to the tree shall be the minimum necessary to adequately support the structure;~~
2147 ~~(2) the attachments shall be constructed using the best available tree anchor~~
2148 ~~bolt technology; and~~
2149 ~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement~~
2150 ~~of the tree house and shall submit a report discussing how the tree's long-term health and~~
2151 ~~viability will not be negatively impacted by the tree house or associated infrastructure;~~
2152 ~~h. exterior lighting shall meet the following criteria:~~
2153 ~~(1) limited to the minimum quantity of lights necessary to meet the building~~
2154 ~~code requirements to allow for safe exiting of the structure and stairway; and~~
2155 ~~(2) exterior lights shall be fully shielded and shall direct light downward, in~~
2156 ~~an attempt to minimize impacts to the nighttime environment;~~
2157 ~~i. unless otherwise approved by the department, all external construction shall~~
2158 ~~be limited to September 1 through March 1 in order to avoid disturbance to wildlife~~
2159 ~~species during typical breeding, nesting, and rearing seasons;~~
2160 ~~j. trail access to the structure shall be designed in accordance with trail~~
2161 ~~standards under subsection D.47. of this section;~~
2162 ~~k. to the maximum extent practical, existing native vegetation shall be left~~
2163 ~~undisturbed. Only minimal hand clearing of vegetation is allowed; and~~
2164 ~~l. vegetated areas within the critical area buffer that are temporarily impacted~~
2165 ~~by construction of the structure shall be restored by planting native vegetation according~~
2166 ~~to a vegetation management plan approved by the department.)) Allowed within existing~~
2167 ~~landscaped areas or other previously disturbed areas.~~

2168 65. Shoreline water dependent and shoreline water oriented uses are allowed in
2169 ~~((the aquatic area and aquatic area buffer of a T))~~ type S aquatic area and adjacent riparian
2170 area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ~~((King~~
2171 ~~County))~~ Comprehensive Plan.

2172 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the
2173 requirements of K.C.C. 21A.08.100.B.14., and only as follows:

2174 a. there is ~~((not another))~~ no other feasible location within the aquatic area with
2175 less ~~((adverse))~~ impact on the critical area and ~~((its))~~ associated buffer;

2176 b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid
2177 rearing or spawning or by a species listed as endangered or threatened by the state or
2178 federal government unless the department determines that there is no other feasible
2179 location;

2180 c. the facility is not located in Category I wetlands or Category II wetlands
2181 with a habitat score of ~~((8))~~ eight points or greater;

2182 d. the corridor width is minimized to the maximum extent practical;

2183 e. paralleling the channel or following a down-valley route within ~~((an aquatic~~
2184 ~~area buffer))~~ a riparian area is avoided to the maximum extent practical;

2185 f. the construction occurs during approved periods for instream work;

2186 g. the facility and corridor will not change or adversely impact the overall
2187 aquatic area flow peaks, duration or volume or the flood storage capacity;

2188 h. ~~((the facility and corridor is not))~~ no new facilities are located within a
2189 severe channel migration hazard area;

2190 i. to the maximum extent practical, buildings will be located outside the
2191 wetland buffer or riparian area and away from the wetland or aquatic area (~~((or wetland))~~);

2192 j. to the maximum extent practical, access for maintenance is at limited access
2193 points into the critical area or associated buffer rather than by a parallel maintenance
2194 road. If a parallel maintenance road is necessary, the following standards are met:

2195 (1) to the maximum extent practical the width of the maintenance road is
2196 minimized and in no event greater than fifteen feet; and

2197 (2) the location of the maintenance road is contiguous to the utility corridor
2198 on the side of the utility corridor farthest from the critical area;

2199 k. the facility does not pose an unreasonable threat to the public health, safety,
2200 or welfare on or off the development proposal site and is consistent with the general
2201 purposes of this chapter and the public interest; and

2202 l. the facility connects to or is an alteration to a public roadway, public trail, a
2203 utility corridor or utility facility, or other infrastructure owned or operated by a public
2204 utility.

2205 67. Only hydroelectric (~~((generating))~~) generation facilities meeting the
2206 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

2207 a. there is no(~~((t-an))~~)other feasible location with less (~~((adverse))~~) impact on the
2208 critical area and (~~((its))~~) associated buffer;

2209 b. the alterations will not subject the critical area to an increased risk of
2210 landslide or erosion;

2211 c. the corridor width is minimized to the maximum extent practical;

2212 d. vegetation removal is the minimum necessary to locate the utility or
2213 construct the corridor;

2214 e. the facility and corridor do not pose an unreasonable threat to the public
2215 health, safety, or welfare on or off the development proposal site and ~~((is))~~ are consistent
2216 with the general purposes of this chapter, and the public interest and significant risk of
2217 personal injury ~~((is))~~ are eliminated or minimized in the landslide hazard area; and

2218 f. the facility connects to or is an alteration to a public roadway, public trail, a
2219 utility corridor or utility facility or other infrastructure owned or operated by a public
2220 utility.

2221 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2222 only as follows:

2223 a. the heat exchanger ~~((must))~~ shall be a closed loop system that does not draw
2224 water from or discharge to the lake;

2225 b. the lake bed shall not be disturbed, except as required by the county or a
2226 state or federal agency to mitigate for impacts of the heat exchanger;

2227 c. the in-water portion of system is only allowed where water depth exceeds
2228 six feet; and

2229 d. system structural support for the heat exchanger piping shall be attached to
2230 an existing dock or pier or be attached to a new structure that meets the requirements of
2231 K.C.C. 21A.25.180.

2232 69. ~~((Only for maintenance of agricultural waterways if:~~
2233 ~~a. the purpose of the maintenance project is to improve agricultural production~~
2234 ~~on a site predominately engaged in the practice of agriculture;~~

2235 ~~b. the maintenance project is conducted in compliance with a hydraulic project~~
2236 ~~approval issued by the Washington state Department of Fish and Wildlife pursuant to~~
2237 ~~chapter 77.55 RCW;~~

2238 ~~c. the maintenance project complies with the King County agricultural~~
2239 ~~drainage assistance program as agreed to by the Washington state Department of Fish and~~
2240 ~~Wildlife, the department of local services, permitting division, and the department of~~
2241 ~~natural resources and parks, and as reviewed by the Washington state Department of~~
2242 ~~Ecology;~~

2243 ~~d. the person performing the maintenance and the landowner have attended~~
2244 ~~training provided by King County on the King County agricultural drainage assistance~~
2245 ~~program and the best management practices required under that program; and~~

2246 ~~e. the maintenance project complies with K.C.C. chapter 16.82)) Repealed.~~

2247 SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C.

2248 21A.24.051 are hereby amended to read as follows:

2249 A. ~~((The alterations identified in K.C.C. 21A.24.045 for a))~~Agricultural activities
2250 ~~((are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat~~
2251 ~~conservation areas, when an agricultural activity is currently occurring on the site and the~~
2252 ~~alteration is in compliance with an approved farm management plan in accordance with))~~
2253 allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

2254 B. For the purposes of this chapter, proof of agricultural activities and
2255 commercial production of agricultural products may be demonstrated through one or
2256 more of the following:

2257 1. filing of an IRS schedule F for the preceding year;

2258 2. currently holds a USDA organic certification producer certification;
2259 3. enrolled in the current use classification "farm and agricultural land" under
2260 chapter 84.34 RCW;
2261 4. meets the eligibility for current use classification "farm and agricultural land"
2262 under chapter 84.34 RCW with proof of enrollment within two years; or
2263 5. other comparable documentation of commercial farming activity accepted by
2264 the department.
2265 C. Farm management plans shall be consistent with this section and, for livestock
2266 activities, ((a farm management plan in accordance)) also consistent with K.C.C. chapter
2267 21A.30.
2268 ~~((B.))~~ D. This section does not modify any requirement that the property owner
2269 obtain permits for activities covered by the farm management plan.
2270 ~~((C. The department of natural resources and parks or its designee shall serve as~~
2271 ~~the single point of contact for King County in providing information on farm~~
2272 ~~management plans for purposes of this title. The department of natural resources and~~
2273 ~~parks shall adopt a public rule governing the development of farm management plans.~~
2274 ~~The rule may provide for different types of farms management plans related to different~~
2275 ~~kinds of agricultural activities, including, but not limited to the best management~~
2276 ~~practices for livestock management, livestock crossing, livestock heavy use areas,~~
2277 ~~horticulture management, site development, farm pads, farm field access roads, and~~
2278 ~~agricultural drainage.~~

2279 ~~D.))~~ E. A property owner or applicant seeking to use the process to allow
2280 alterations in critical area buffers shall develop a farm management plan based on the
2281 following goals, which are listed in order of priority:

- 2282 1. To maintain the productive agricultural land base and economic viability of
2283 agriculture on the site;
- 2284 2. To maintain, restore, or enhance critical areas to the maximum extent
2285 practical in accordance with the site-specific goals of the landowner;
- 2286 3. To the maximum extent practical in accordance with the site-specific goals of
2287 the landowner, maintain, and enhance natural hydrologic systems on the site;
- 2288 4. To use federal, state, and local best management practices and best available
2289 science for farm management to achieve the goals of the farm management plan; and
- 2290 5. To monitor the effectiveness of best management practices and implement
2291 additional practices through adaptive management to achieve the goals of the farm
2292 management plan.

2293 ~~((E.))~~ F. If a part or all of the site is located within the shoreline jurisdiction, the
2294 farm management plan shall:

- 2295 1. Consider and be consistent with the goals of the shoreline management act
2296 and the policies of the King County shoreline master program;
- 2297 2. Consider the priorities of the King County shoreline protection and
2298 restoration plan; and
- 2299 3. Ensure no net loss of shoreline ecological functions and critical area functions
2300 and values.

2301 ~~((F. The property owner or applicant may develop the farm management plan as~~
2302 ~~part of a program offered or approved by King County.))~~ G. The plan shall include, but
2303 is not limited to, the following elements:

- 2304 1. A site inventory identifying critical areas, structures, cleared and forested
2305 areas, and other significant features on the site;
- 2306 2. Site-specific performance standards and best management practices to
2307 maintain, restore, or enhance critical areas and ~~((their))~~ associated buffers, and maintain
2308 and enhance native vegetation on the site, including the best management practices for
2309 the installation and maintenance of farm field access drives and agricultural drainages;
- 2310 3. A plan for future changes to any existing structures or for any changes to the
2311 landscape that involve clearing or grading;
- 2312 4. A plan for implementation of performance standards and best management
2313 practices;
- 2314 5. A plan for monitoring the effectiveness of measures taken to protect critical
2315 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm
2316 management plan shall occur if ~~((adverse))~~ impacts ~~((occur))~~ to critical areas or
2317 associated buffers are identified.

2318 ~~((G.))~~ H. If applicable, a farm management plan shall include documentation of
2319 compliance with flood compensatory storage and flood conveyance in accordance with
2320 K.C.C. 21A.24.240.

2321 ~~((H. A))~~ I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a
2322 farm management plan is not effective until approved by the county. Before approval,
2323 the county may conduct a site inspection, ((which may be through a program offered or

2324 ~~approved by King County,))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish
2325 the goals in subsection ~~((D.))~~ E. of this section and consistent with subsection ~~((E.))~~ E. of
2326 this section.

2327 ~~((I.))~~ J. ~~((Once approved, a))~~ Activities carried out ((in compliance)) consistent
2328 with ((the)) an approved farm management plan shall be deemed in compliance with this
2329 chapter. In the event of a potential code enforcement action, ((the department of local
2330 services, permitting division, shall first inform the department of natural resources and
2331 parks of the activity. Before taking code enforcement action,)) the department of local
2332 services, permitting division, shall consult with the department of natural resources and
2333 parks and the King Conservation District to determine whether the activity is consistent
2334 with the farm management plan.

2335 SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C.
2336 21A.24.061 are hereby amended to read as follows:

2337 A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm
2338 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural
2339 resource land and rural area residents to establish and maintain a rural lifestyle that
2340 includes activities such as farming ~~((and forestry))~~, while maintaining and enhancing
2341 rural character and environmental quality.

2342 B. The department of natural resources and parks shall be responsible for farm
2343 management plans that are filed with the county and serve as the primary county agency
2344 point of contact. The department of natural resources and parks shall consult with the
2345 department of local services, permitting division, in carrying out the responsibilities
2346 under this chapter relating to farm management plans. King County and the King

2347 Conservation District may enter into agreements to carry out the provisions of this title
2348 relating to farm management plans.

2349 C.1. The department of natural resources and parks and department of local
2350 services shall adopt public rules to implement K.C.C. 21A.24.045 ~~((and))~~, 21A.24.051
2351 ~~((relating to rural stewardship plans and farm management plans))~~, and K.C.C.
2352 21A.30.045, consistent with the provisions of this section. The rules shall ~~((not~~
2353 ~~compromise))~~ be consistent with the King Conservation District's mandates or standards
2354 for farm management planning. The rules may provide for different types of farms
2355 management plans related to different kinds of agricultural activities, including, but not
2356 limited to best management practices for livestock management, livestock crossing,
2357 livestock heavy use areas, horticulture management, site development, farm pads, farm
2358 field access roads, and agricultural drainage.

2359 2. In addition to the notification procedures required by K.C.C. chapter 2.98 and
2360 under the State Environmental Policy Act, for the rule making under this section required
2361 by this ordinance and each subsequent update to the public rule, the director of natural
2362 resources and parks shall:

2363 a. Request comment from Indian tribes no less than sixty days before the
2364 adoption of the final rule;

2365 b. Meet with and consider the comments of Indian tribes before adoption of the
2366 final rule; and

2367 c. Provide, as supplemental material to the final rule, a summary of comments
2368 received from Indian tribes on the proposed rule, and a response with how the final rule
2369 addresses the comments.

2370 3. The public rule required as a result of this ordinance shall be effective no
2371 later than December 31, 2026, and the public rule shall be evaluated and updated in
2372 conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as
2373 needed to address time sensitive issues including, but not limited to, substantive changes
2374 in state or local critical area regulations or substantive findings from critical area
2375 monitoring or adaptive management.

2376 ~~((C.))~~ D. County departments or approved agencies shall provide technical
2377 assistance and resources to landowners to assist them in preparing the plans. The
2378 technical assistance shall include, but is not limited to, web-based information,
2379 instructional manuals, and classroom workshops. When possible, ~~((the assistance shall~~
2380 ~~be provided at little or no cost to landowners))~~ the cost of such assistance shall be
2381 minimal to the landowner. ~~((In addition, t))~~ The department of natural resources and
2382 parks shall develop, in consultation as necessary with the department of local services,
2383 permitting division, and the King Conservation District, ~~((and make available to the~~
2384 ~~public,))~~ model farm management~~((, forest management and rural stewardship))~~ plans
2385 illustrating examples of plan application content, drawings, and site plans, ~~((to assist~~
2386 ~~landowners in their development of site specific plans for their property))~~ and make them
2387 available to the public.

2388 ~~((D. The department of natural resources and parks is the primary county agency~~
2389 ~~responsible for rural stewardship plans and farm management plans that are filed with the~~
2390 ~~county under this chapter. The department of natural resources and parks shall consult~~
2391 ~~with the department of local services, permitting division, in carrying out its~~
2392 ~~responsibilities under this chapter relating to rural stewardship plans and farm~~

2393 management plans. ~~The department of natural resources and parks, the department of~~
2394 ~~local services, permitting division, and the King Conservation District may enter into~~
2395 ~~agreements to carry out the provisions of this chapter relating to rural stewardship plans~~
2396 ~~and farm management plans.))~~

2397 E. The department of natural resources and parks and department of local
2398 services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural~~
2399 ~~stewardship and~~)) farm management plans in meeting the goals and objectives of those
2400 plans established in this chapter.

2401 SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C.
2402 21A.24.070 are hereby amended to read as follows:

2403 A. ~~((The director may approve alterations to))~~ If application of this chapter denies
2404 all reasonable use or prohibits a development proposal, an applicant may apply for an
2405 exception in accordance with this section. Except in flood hazard areas, alluvial fan
2406 hazard areas, and severe channel migration hazard areas, an exception under this section
2407 may be allowed in critical areas, critical area buffers, and critical area setbacks ~~((, except~~
2408 ~~for flood hazard areas, not otherwise allowed by this chapter as follows:~~

2409 1. ~~Except as otherwise provided in subsection A.2. of this section, for linear~~
2410 ~~alterations, the director may approve alterations to critical areas, critical area buffers and~~
2411 ~~critical area setbacks only when)).~~

2412 B. A request for an exception in the shoreline jurisdiction shall be processed as a
2413 shoreline variance under K.C.C. 21A.44.090.

2414 C. A public agency or utility may apply for a critical area alteration exception if
2415 application of this chapter denies a development proposal. A public agency or utility
2416 critical area alteration exception shall meet all of the following criteria ~~((are met))~~:

2417 ~~((a-))~~1. ~~((t))~~The is no feasible alternative to the development proposal with
2418 less ~~((adverse))~~ impact on the critical area;

2419 ~~((b-))~~2. ~~((t))~~The development proposal minimizes ~~((the adverse))~~ impacts on
2420 critical areas to the maximum extent practical and complies with avoidance and
2421 mitigation sequencing in K.C.C. 21A.24.125;

2422 ~~((c-))~~3. ~~((t))~~The ~~((approval))~~ exception does not require the modification of a
2423 critical area development standard established by this chapter;

2424 ~~((d-))~~4. ~~((t))~~The development proposal does not pose an unreasonable threat to
2425 the public health, safety, or welfare on or off the development proposal site and is
2426 consistent with the general purposes of this chapter and the public interest;

2427 ~~((e- the))~~5. For linear alterations:

2428 ~~((f-))~~a. the alteration connects to or is ~~((an alteration to))~~ a public roadway,
2429 regional light rail transit line, public trail, ~~((a))~~ utility corridor or utility facility, railroad,
2430 hydroelectric generation facility, or other public infrastructure owned or operated by a
2431 public utility; or

2432 ~~((g-))~~b. the alteration is required to overcome limitations due to gravity;

2433 ~~((2- In order to accommodate the siting of a regional light rail transit facility~~
2434 ~~under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~
2435 ~~area buffers and critical area setbacks not otherwise allowed by this chapter and may~~

2436 ~~impose reasonable conditions to minimize the impact of the light rail transit facility on~~
2437 ~~the critical area and its buffer;)) and~~

2438 ~~((3. F))~~ 6. For nonlinear alterations ((the director may approve alterations to
2439 ~~critical areas except wetlands, unless otherwise allowed under subsection A.3.h. of this~~
2440 ~~section, aquatic areas and wildlife habitat conservation areas, and alterations to critical~~
2441 ~~area buffers and critical area setbacks, when all of the following criteria are met)):~~

2442 a. a regional light rail transit facility under RCW 36.70A.200 may be allowed
2443 in any critical area, critical area buffer, or critical area setback, except those identified in
2444 subsection A. of this section;

2445 b. a public school in a category II, III, and IV wetland may be allowed; and

2446 c. all other nonlinear alterations shall not be located in an aquatic area, wildlife
2447 habitat conservation area, wetland, or fish spawning area;

2448 D. A property owner may apply for a private development critical area alteration
2449 exception if application of this chapter denies a development proposal in a steep slope
2450 hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat
2451 network, critical area buffer, or critical area setback. A private development critical area
2452 alteration exception shall meet all of the following criteria:

2453 1. ((†))There is no feasible alternative to the development proposal with less
2454 ~~((adverse))~~ impact on the critical area;

2455 2. The development proposal minimizes impacts on critical areas to the
2456 maximum extent practical and complies with avoidance and mitigation sequencing in
2457 K.C.C. 21A.24.125;

2458 ~~((b-))~~ 3. ~~((t))~~ The alteration is the minimum necessary to accommodate the
2459 development proposal;

2460 ~~((e-))~~ 4. ~~((t))~~ The ~~((approval))~~ exception does not require the modification of a
2461 critical area development standard established by this chapter;

2462 ~~((d-))~~ 5. ~~((t))~~ The development proposal does not pose an unreasonable threat to
2463 the public health, safety, or welfare on or off the development proposal site and is
2464 consistent with the general purposes of this chapter and the public interest;

2465 ~~((e-))~~ 6. ~~((t))~~ For dwelling units, no more than five thousand square feet or ten
2466 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~
2467 critical area setbacks, or other land alteration, including grading, utility installations ~~((and~~
2468 ~~landscaping))~~, but not including the area used for a driveway or for an on-site sewage
2469 disposal system~~((. When the site disturbance is within a critical area buffer, the building~~
2470 ~~setback line shall be measured from the building footprint to the edge of the approved site~~
2471 ~~disturbance;~~

2472 ~~f. to the maximum extent practical, access is located to have the least adverse~~
2473 ~~impact on the critical area and critical area buffer)); and~~

2474 ~~g-))~~ 7. ~~((t))~~ The critical area is not ~~((used as))~~ a ~~((salmonid))~~ fish spawning
2475 area~~((; and~~

2476 ~~h. the director may approve an alteration in a category II, III, and IV wetland~~
2477 ~~for development of a public school facility.~~

2478 ~~B. The director may approve alterations to critical areas, critical area buffers, and~~
2479 ~~critical area setbacks, except for flood hazard areas,)).~~

2480 E. An applicant may apply for a reasonable use exception if the application of
2481 this chapter would deny all reasonable use of the property ~~((as follow))~~. A reasonable use
2482 exception shall meet all of the following:

2483 1. ~~((If the critical area, critical area buffer or critical area setback is outside of~~
2484 ~~the shoreline jurisdiction, the applicant may apply for a reasonable use exception under~~
2485 ~~this subsection without first having applied for an alteration exception under this section~~
2486 ~~if the requested reasonable use exception includes relief from development standards for~~
2487 ~~which an alteration exception cannot be granted under this section. The director shall~~
2488 ~~determine that all of the following criteria are met:~~

2489 ~~a. t))~~ There is no other reasonable use with less ((adverse)) impact on the
2490 critical area;

2491 2. The development proposal minimizes impacts on critical areas to the
2492 maximum extent practical and complies with avoidance and mitigation sequencing in
2493 K.C.C. 21A.24.125;

2494 3. The alteration is the minimum necessary to allow for reasonable use of the
2495 property; and

2496 ~~((b.))~~ 4. The development proposal does not pose an unreasonable threat to the
2497 public health, safety, or welfare on or off the development proposal site and is consistent
2498 with the general purposes of this chapter and the public interest;

2499 ~~((e. any authorized alteration to the critical area or critical area buffer is the~~
2500 ~~minimum necessary to allow for reasonable use of the property;)) and~~

2501 ~~((d.))~~ 5. ~~((f))~~ For dwelling units, no more than five thousand square feet or ten
2502 percent of the site, whichever is greater, may be disturbed by structures, ((building))

2503 critical area setbacks, or other land alteration, including grading, utility installations, and
2504 maintained yard and landscaping, but not including the area used for a driveway or for an
2505 on-site sewage disposal system(~~(; and~~

2506 ~~2. If the critical area, critical area buffer or critical area setback is located within~~
2507 ~~the shoreline jurisdiction, the request for a reasonable use exception shall be considered a~~
2508 ~~request for a shoreline variance under K.C.C. 21A.44.090)).~~

2509 ~~((C.))~~ F. For the purpose of this section:

2510 1. ~~((("Linear" alteration means infrastructure that supports development that is~~
2511 ~~linear in nature and includes public and private roadways, public trails, private~~
2512 ~~driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility~~
2513 ~~corridors and utility facilities))~~ When a site disturbance is within a critical area or
2514 associated buffer, the critical area setback line shall be measured from the edge of a
2515 structure to the edge of the approved site disturbance; and

2516 2. ~~((For purposes of subsections A. and B. of this section, a))~~ Areas located
2517 ~~((within the shoreline jurisdiction that are))~~ below the ordinary high water mark shall not
2518 be included in calculating the site area.

2519 ~~((D. Alteration))~~ G. ~~((e))~~ Exceptions approved under this section shall meet the
2520 mitigation requirements of this chapter.

2521 ~~((E.))~~ H. An ~~((applicant))~~ application for an ~~((alteration))~~ exception shall
2522 ~~((submit))~~ provide a critical area report(~~(; as required by))~~ consistent with K.C.C.
2523 21A.24.110.

2524 I. An exception shall not be approved if the inability of the applicant to derive
2525 reasonable use of the property is the result of actions by the current or prior property
2526 owner.

2527 SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C.
2528 21A.24.090 are hereby amended to read as follows:

2529 ~~((If a development proposal site contains or is within a critical area, the applicant~~
2530 ~~shall submit an affidavit which declares whether))~~ An applicant for a development permit
2531 or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance,
2532 shall provide:

2533 A. A disclosure of critical areas on the development proposal site, including
2534 mapped or identifiable critical areas within the largest potential critical area buffer; and

2535 B. An affidavit indicating whether ~~((F))~~ the applicant has knowledge of any
2536 illegal alteration to ~~((any or all))~~ critical areas or associated buffers on the development
2537 proposal site~~((; and~~

2538 ~~B. The applicant previously has been found in violation of this chapter, in~~
2539 ~~accordance with K.C.C. Title 23. If the applicant previously has been found in violation,~~
2540 ~~the applicant shall declare whether the violation has been corrected to the satisfaction of~~
2541 ~~King County)).~~

2542 SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby
2543 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2544 SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
2545 are hereby amended to read as follows:

2546 A.~~((1.))~~ A property owner or ~~((the property owner's agent))~~ applicant may
2547 ~~((request))~~ apply for a critical area designation for part or all of a site ~~((, without seeking~~
2548 ~~a permit for a development proposal, by filing with the department a written application~~
2549 ~~for a critical area designation on a form provided by the department))~~.
2550 1. ~~((If the request is for review of a portion of a site, t))~~The application shall
2551 include a map identifying ~~((the portion of))~~ the ~~((site for which the designation is sought))~~
2552 parcel.
2553 2. ~~((The designation may include an evaluation or interpretation of the~~
2554 ~~applicability of critical area buffers and other critical area standards to a future~~
2555 ~~development proposal.))~~ Supporting critical area reports consistent with K.C.C.
2556 21A.24.110 may be required by the department.
2557 B. ~~((In preparing the critical area designation, the department shall perform a~~
2558 ~~critical area review to:~~
2559 1. ~~Determine whether any critical area exists on the site and confirm its type,~~
2560 ~~location, boundaries and classification;~~
2561 2. ~~Determine whether a critical area report is required to identify and~~
2562 ~~characterize the location, boundaries and classification of the critical area;~~
2563 3. ~~Evaluate the critical area report, if required; and~~
2564 4. ~~Document the existence, location and classification of any critical area.~~
2565 C. ~~If required by the department, the applicant for a critical area designation shall~~
2566 ~~prepare and submit to the department the critical area report required by subsection B.2.~~
2567 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~

2568 aquatic areas, the applicant may elect to have the department conduct the special study in
2569 accordance with K.C.C. Title 27;

2570 ~~D. The department shall make the determination of a critical area designation in~~
2571 ~~writing within one hundred twenty days after the application for a critical area~~
2572 ~~designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.~~
2573 ~~20.20.100.A.1. through 5. are excluded from the one hundred twenty day period. If the~~
2574 ~~determination applies to less than an entire site, the determination))~~ The department shall
2575 evaluate and determine the existence, location, and classification of any critical areas
2576 within the area indicated on the application. The designation shall clearly identify the
2577 portion of the ((site)) parcel to which the determination applies.

2578 ~~((E.1.))~~ C. The written determination made under this section is final and
2579 effective for five years from the date of issuance as to the existence, location,
2580 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2581 ~~((a.))~~ 1. ((t))There is a change in site conditions;
2582 ~~((b.))~~ 2. New or additional information becomes available that conflicts with or
2583 invalidates information that formed the basis of the department's determination,
2584 including, but not limited to, discovery of an unpermitted critical area alteration or the
2585 adoption of revised methods for critical area classification; or

2586 3. A county, state, or federal agency adopts one of the following critical area
2587 maps that conflict with the department's ((written)) determination((:));

- 2588 a. Critical aquifer recharge areas;
- 2589 b. Wildlife habitat network;
- 2590 c. Channel migration zones;

2591 d. Flood hazard areas.

2592 ~~((2. As part of its review of a complete application for a permit or approval, the~~
2593 ~~department shall establish whether the written determination is still effective.~~

2594 ~~F. If the department designates critical areas on a site under this section, the~~
2595 ~~applicant for a development proposal on that site shall submit proof that a critical area~~
2596 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~
2597 ~~subsection, the department's determination under this section is final. If the department~~
2598 ~~relies on a critical area designation made under this section during its review of an~~
2599 ~~application for a permit or other approval of a development proposal and the permit or~~
2600 ~~other approval is subject to an administrative appeal, any appeal of the designation shall~~
2601 ~~be consolidated with and is subject to the same appeal process as the underlying~~
2602 ~~development proposal. If the King County hearing examiner makes the county's final~~
2603 ~~decision with regard to the permit or other approval type for the underlying development~~
2604 ~~proposal, the hearing examiner's decision constitutes the county's final decision on the~~
2605 ~~designation. If the King County council, acting as a quasi-judicial body, makes the~~
2606 ~~county's final decision with regard to the permit or other approval type for the underlying~~
2607 ~~development proposal, the King County council's decision constitutes the county's final~~
2608 ~~decision on the designation.))~~

2609 SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C.

2610 21A.24.100 are hereby amended to read as follows:

2611 A. ~~((Before any clearing, grading or site preparation, t))~~The department shall
2612 perform a critical area review ~~((for any))~~ of development ~~((proposal))~~ permit applications
2613 or other request ~~((for permission))~~ to alter a site to determine ~~((whether there is))~~:

2614 1. The existence, location, and classification of ((A)) critical areas and active
2615 breeding sites of protected species:
2616 a. on the ((development proposal)) site; and
2617 ~~((2. An active breeding site of a protected species on the development proposal~~
2618 ~~site; or~~
2619 3. ~~A critical area or active breeding site of a protected species that has been~~
2620 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~
2621 ~~from the boundaries of the site)) b. within three hundred feet of the site that can be~~
2622 identified by use of available data and methods, including, but not limited to, visual
2623 observations from right-of-way or property with right of entry, mapping, aerial imagery,
2624 and other critical area determinations and critical area reports;
2625 2. The boundaries of critical area buffers and critical area setbacks that apply to
2626 the site and area within three hundred feet of the site, consistent with the standards and
2627 regulations of this chapter; and
2628 3. Compliance with all other standards and regulations of this chapter.
2629 B. As part of the critical area review, the department shall review ~~((the critical~~
2630 ~~area reports and determine))~~ whether:
2631 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area
2632 designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;
2633 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical
2634 area reports are required;

2635 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,
2636 associated buffers, and critical area setbacks have been applied to the site and accurately
2637 identified, delineated, and classified in the application;

2638 4. ~~((The sequence))~~ Proposed alterations comply with avoidance and mitigation
2639 sequencing in K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas~~
2640 ~~and critical area buffers))~~; ~~((and))~~

2641 5. Proposed ~~((M))~~ mitigation measures to compensate for ~~((adverse))~~ impacts to
2642 critical areas ~~((is required and whether the mitigation and monitoring plans and bonding~~
2643 ~~measures proposed by the applicant are sufficient to protect the general public health,~~
2644 ~~safety and welfare,))~~ and associated buffers are in compliance with K.C.C. 21A.24.130
2645 and all other applicable requirements of this chapter; and

2646 6. Proposed alterations are consistent with the goals, purposes, objectives, and
2647 requirements of this chapter.

2648 C. If a development proposal does not involve any site disturbance, clearing, or
2649 grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04,
2650 critical area review is not required, unless the development proposal is located within a:

- 2651 1. Flood hazard area;
- 2652 2. Critical aquifer recharge area; or
- 2653 3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area,
2654 seismic hazard area, or coal mine hazard area and the proposed development will cause
2655 additional loads on the foundation, such as by expanding the habitable square footage of
2656 the structure or by adding or changing structural features that change the load bearing
2657 characteristics of the structure.

2658 D. The determinations made under critical area review of a development proposal
2659 permit application shall be consolidated with and subject to the same appeal process as
2660 the underlying development proposal, except for any determinations made under an
2661 effective critical area designation under K.C.C. 21A.24.500, as recodified by this
2662 ordinance, that are classified as an standalone decision under K.C.C. 20.20.020.

2663 SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C.
2664 21A.24.110 are hereby amended to read as follows:

2665 A. ((An applicant for a development proposal that requires)) A critical area report
2666 may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or
2667 K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit
2668 the scope of a critical area report ((at a level determined by the department)) if
2669 information is not needed to adequately evaluate the proposal and all probable impacts.

2670 B. In addition to the requirements in this section, critical area reports shall also
2671 include ecological and geological report information in sections 58 and 59 of this
2672 ordinance based on the affected critical area:

2673 1. Geological critical area report requirements under section 58 of this
2674 ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard
2675 areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic
2676 hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and
2677 associated buffers; and

2678 2. Ecological critical area report requirements under section 59 of this
2679 ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation
2680 areas, wildlife habitat networks, and associated buffers.

2681 B. ~~((The applicant may combine a-e))~~ Critical area reports may be combined with
2682 any additional studies required by other laws and regulations.

2683 C. If the development proposal will affect only a part of the development
2684 proposal site, the department may limit the scope of the required critical area report to
2685 include only that part of the site that is affected by the development proposal.

2686 D.1. Floodplain development that was not assessed through the King County
2687 Programmatic Habitat Assessment prepared for the National Flood Insurance program
2688 and the Endangered Species Act shall include an assessment of the impact of the
2689 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2690 a. ~~((A))~~ a Biological Evaluation or Biological Assessment that has received
2691 concurrence from the United States Fish and Wildlife Service or the National Marine
2692 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2693 b. ~~((D))~~ documentation that the activity fits within a Habitat Conservation Plan
2694 approved pursuant to Section 10 of the Endangered Species Act;

2695 c. ~~((D))~~ documentation that the activity fits within Section 4(d) of the
2696 Endangered Species Act; or

2697 d. ~~((A))~~ an assessment prepared in accordance with Regional Guidance for
2698 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

2699 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or~~
2700 ~~more))~~ of the following:

2701 (1) the primary constituent elements identified when a species is listed as
2702 threatened or endangered;

2703 (2) Essential Fish Habitat designated by the National Marine Fisheries
2704 Service;

2705 (3) fish and wildlife habitat conservation areas;

2706 (4) vegetation communities and habitat structures;

2707 (5) water quality;

2708 (6) water quantity, including flood and low flow depths, volumes, and
2709 velocities;

2710 (7) the river or stream channel's natural planform pattern and migration
2711 process;

2712 (8) spawning substrate, if applicable; and

2713 (9) floodplain refugia, if applicable.

2714 ~~((2. The department must require a project with adverse effects to comply with~~
2715 ~~the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125~~
2716 ~~and 21A.24.130)).~~

2717 NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24
2718 a new section to read as follows:

2719 A. A geological critical area report shall meet the requirements of this section.

2720 B. The geological critical area report shall address all areas of the proposed
2721 development site and geologically hazardous areas within three hundred feet of the site or
2722 that have the potential to affect or be affected by the proposal.

2723 C. The geological critical area report shall be prepared, stamped, and signed by a
2724 geological professional. The geological assessment shall include a field investigation and
2725 may include the use of historical aerial photo analysis, review of public records and

2726 documentation, and interviews with adjacent property owners or others knowledgeable
2727 about the area, as well as other methods approved by the department. The geological
2728 assessment shall include a detailed review of the field investigations, published data and
2729 references, data and conclusions from past geological assessments, or geotechnical
2730 investigations of the site, site-specific measurements, tests, investigations, or studies, as
2731 well as the methods of data analysis and calculations that support the results, conclusions,
2732 and recommendations.

2733 D. The geological critical area report shall contain, at a minimum, the following
2734 information:

2735 1. Basic information including:

2736 a. the name and contact information of the applicant; the name, qualifications,
2737 and contact information for the primary author or authors of the report; and a description
2738 of the proposal; and

2739 b. parcel number or numbers of the site;

2740 2. A description of site conditions that includes:

2741 a. existing development including structures, impervious surfaces, wells, drain
2742 fields, drain field reserve areas, roads, easements, and above and below ground utilities;

2743 b. the extent, quantity and type of existing vegetation cover;

2744 c. a description of the ground surface inclination in percent gradient;

2745 d. a description and location of the surface and subsurface hydrology,
2746 including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface
2747 expressions of groundwater. The director may require a hydrogeologic report to
2748 accompany the geotechnical assessment if impacts are anticipated;

2749 e. identification and characterization of all critical areas and buffers and areas
2750 within the shoreline jurisdiction;

2751 3. A site plan that includes:

2752 a. the existing topography with vertical contour intervals of five feet or less,
2753 for the entire site and abutting public rights-of-way, private roads, or access easements;

2754 b. significant geologic contacts, landslides, or downslope soil movement on
2755 and within three hundred feet of the site;

2756 c. all identified geologically hazardous areas, buffers, and critical area
2757 setbacks;

2758 d. exploration locations;

2759 e. locations of proposed development and clearing limits, if known;

2760 f. transects of any provided cross-sections;

2761 g. drainage flow characteristics including pipes, drains, catch basins, drainage
2762 structures, culverts, underdrain pipes, and other structures;

2763 4. A description of the geological conditions of the soils and bedrock that
2764 includes:

2765 a. references to mapped geological soil and bedrock units, seismic faults,
2766 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and
2767 historical coal mines;

2768 b. data regarding underlying geology, slope gradients, soil types, and
2769 subsurface information including boring or test pit logs describing soil stratification, and
2770 results of soil tests conducted.

2771 c. a description of the soils in accordance with the Natural Resource
2772 Conservation Service, indicating the potential for erosion;
2773 d. review of the site history regarding landslides, erosion, and prior grading;
2774 e. geomorphological features of the site visible through site inspection, aerial
2775 photography, LIDAR imagery, or topographic contours;
2776 f. on-site soil explorations of sufficient location, distribution, and depth to
2777 adequately characterize the subsurface conditions of the site. Soils analysis shall be
2778 accomplished in accordance with accepted classification systems in use in the region;
2779 g. engineering properties of the subsurface soils or bedrock or both;
2780 h. identification of all existing fill areas;
2781 i. the location or evidence of seismic faults and soil conditions indicating the
2782 potential for liquefaction;
2783 5. A hazard analysis and finding of risks associated with relevant geologic
2784 hazards and the potential impacts to public safety, the hazard area, and the subject
2785 property, including, but not limited to:
2786 a. slope stability;
2787 b. potential for liquefaction hazard;
2788 c. debris runout, including from upslope on the site or from neighboring
2789 properties and on down slope properties from the site and proposed development;
2790 d. channel migration;
2791 e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts
2792 to existing or proposed development from waves or currents, stream meandering, or other

2793 erosional forces to determine the recommended solution for bank or shoreline
2794 stabilization in conformance with K.C.C. 21A.25.170;

2795 6. An evaluation of proposed development which includes:

2796 a. the location and description of proposed development activity;

2797 b. the method of drainage and locations of all existing and proposed surface
2798 and subsurface drainage facilities and patterns, including infiltration testing or other
2799 geological review specifics as required by the Surface Water Design Manual;

2800 c. the locations and methods for temporary and permanent erosion control;

2801 d. recommendations for temporary and permanent structure siting limitations,
2802 and foundation type and depth;

2803 e. recommendations on minimum buffers and setbacks for the specific
2804 geological hazard;

2805 f. recommendations for grading procedures, fill placement and compaction
2806 criteria, handling contaminated soils and materials, temporary and permanent slope
2807 inclinations and support, and design criteria for corrective measures and opinions and
2808 recommendations regarding the capabilities of the site;

2809 g. an estimate of bluff retreat rate that recognizes and reflects potential
2810 catastrophic events such as seismic activity or one-hundred-year storm event;

2811 h. recommendations for engineering mitigation of hazards; and

2812 i. recommendations for vegetation management to mitigate hazards;

2813 7. A determination stating whether the alterations minimize risks to people and
2814 development in accordance with the development standards of this chapter, and rationale

2815 to support the determination based on the presented data, analysis, and scientific and
2816 engineering practice;

2817 8. An evaluation of how avoidance and mitigation sequencing, consistent with
2818 K.C.C. 21A.24.125, was applied to the development proposal.

2819 9. All subsurface exploration logs, test logs and results, and other data sources
2820 used in the analyses, and

2821 10. Any other information determined by the department to be necessary to
2822 determine compliance with this chapter, including, but not limited to, the use of LIDAR,
2823 technical reports, soil field or laboratory testing, studies or documents related to geologic
2824 hazards, or models for estimating how far landslide materials will travel.

2825 NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24
2826 a new section to read as follows:

2827 A. An ecological critical area report shall meet the requirements of this section.

2828 B. The ecological critical area report shall address all areas of the proposed
2829 development site and ecological critical areas within three hundred feet of the site or that
2830 have the potential to affect or be affected by the proposal.

2831 C. The ecological critical area report shall be prepared and signed by an
2832 ecological professional.

2833 D. The ecological critical area report shall contain, at a minimum, the following
2834 information:

2835 1. Wetland, aquatic area, and riparian area delineation that includes:

2836 a. identification of wetlands and delineation of associated boundaries in
2837 accordance with the approved federal wetland delineation manual and applicable regional

2838 supplement as set forth in WAC 173-22-035, including completed data forms and data
2839 point locations;

2840 b. rating of wetlands in accordance with the Washington State Wetland Rating
2841 System for Western Washington Version 2.0, Washington state Department of Ecology
2842 publication number 23-06-009, published 2014 and updated 2023, including completed
2843 rating forms;

2844 c. identification of aquatic area locations, typing, and ordinary high water
2845 mark;

2846 d. identification of severe channel migration hazard areas and floodplains; and
2847 e. determination of applicable wetland buffers and riparian areas;

2848 2. A wildlife study and habitat assessment that identifies any known nests or
2849 breeding sites and potential habitat for any federal or state listed endangered, threatened,
2850 sensitive, or candidate species or King County species of local importance, and delineates
2851 any known wildlife habitat conservation areas and wildlife habitat networks;

2852 3. A description of existing on-site and adjacent site conditions that includes:
2853 a. existing development, including, but not limited to, structures, roads,
2854 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing
2855 development is not legally established;

2856 b. the extent and dominant species composition of existing vegetative cover;
2857 c. existing hydrologic characteristics of any wetland or aquatic areas, including
2858 sources of hydrology;

2859 d. functions and values of all critical areas present; and

2860 e. location, species, and diameter at breast height of trees three inches in
2861 diameter at breast height or larger within critical areas and associated buffers that are
2862 within the proposed clearing limits and within striking distance of the proposed
2863 development activity. The department may require tree locations to be surveyed;

2864 4. An evaluation of how avoidance and mitigation sequencing, consistent with
2865 K.C.C. 21A.24.125, was applied to the development proposal.

2866 5. If impacts to critical areas or buffers are proposed, an analysis that includes:

2867 a. calculation of square footage of direct permanent impacts to each critical
2868 area and buffer;

2869 b. calculation of square footage of temporary impacts to each critical area and
2870 associated buffer, and estimation of the time required for ecological functions to be
2871 restored;

2872 c. calculation of indirect impacts to wetlands in accordance with Wetland
2873 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2
2874 Washington state Department of Ecology, publication number 21-06-003, published
2875 April 2021;

2876 d. description of vegetation, habitat, functions, and values of each critical area
2877 that will be lost or modified due to the proposed impacts;

2878 e. an analysis demonstrating that the hydrology of remaining wetlands on or
2879 adjacent to the site will not be substantially impacted by the project, using the wetland
2880 hydrology protection guidelines in the Surface Water Design Manual; and

2881 f. a tree risk assessment prepared by an arborist certified by the International
2882 Society of Arboriculture for any hazard trees proposed for removal within critical areas
2883 or associated buffers;

2884 6. A mitigation plan that includes:

2885 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,
2886 or creation of critical areas and associated buffers for which mitigation is required;

2887 b. description of on-site mitigation activities proposed and justification that
2888 impacts will be adequately offset to ensure no net loss of critical area functions and
2889 values, including use of the credit-debit method as applicable for wetland impacts in
2890 accordance with Washington state Department of Ecology's Calculating Credits and
2891 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,
2892 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

2893 c. calculations of mitigation area required for permanent impacts or long-term
2894 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

2895 d. calculation of restoration area required for temporary impacts where
2896 ecological functions are expected to be restored within one year;

2897 e. depiction of proposed mitigation and restoration areas and example of
2898 planting plan, including irrigation if applicable;

2899 f. plan for installation of wildlife lighting;

2900 g. depiction of wildlife-passable fencing and permanent critical area signs at
2901 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

2902 h. rationale for and description of any proposed off-site mitigation, including
2903 location, methods, quantities, and demonstration that equal or better ecological functions
2904 will be achieved;

2905 7. A monitoring plan that includes:

2906 a. a monitoring schedule of at least five years, unless otherwise directed by the
2907 department to address site-specific conditions such as inclination over twenty percent,
2908 excessively drained soils, or mitigation occurs in wetland;

2909 b. success criteria for mitigation activities to meet at the end of each
2910 monitoring year;

2911 c. monitoring methods sufficient to determine if success criteria are being met
2912 throughout the mitigation area;

2913 d. a maintenance plan to ensure success criteria are met; and

2914 e. a contingency plan if it is determined that mitigation fails to meet success
2915 criteria;

2916 8. A site plan depicting:

2917 a. critical areas on the site and within three hundred feet of the site;

2918 b. buffer widths;

2919 c. critical area setbacks;

2920 d. existing and proposed alterations, including, but not limited to, structures,
2921 impervious surfaces, utilities, clearing, landscaping, and grading; and

2922 e. property lines, setbacks, and easements; and

2923 9. Additional information determined by the department to be necessary to
2924 comply with this chapter.

2925 SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C.
2926 21A.24.125 are hereby amended to read as follows:

2927 (~~(A. An applicant for a development proposal or alteration, shall apply the~~
2928 ~~following sequential measures, which appear in order of priority,))~~ When an alteration to
2929 a critical area is proposed, the following avoidance and mitigation sequencing shall be
2930 applied in the following order of priority to avoid and minimize impacts to critical areas
2931 and critical area buffers:

2932 (~~(1.)~~) A. Avoiding the impact or hazard by not taking a certain action;

2933 (~~(2.)~~) B. Minimizing the impact or hazard by:

2934 (~~(a.)~~) 1. limiting the degree or magnitude of the action with appropriate
2935 technology; or

2936 (~~(b.)~~) 2. taking affirmative steps to avoid or reduce impacts, such as project
2937 redesign, relocation, or timing;

2938 (~~(3.)~~) C. Rectifying the impact (~~((to critical areas))~~) by repairing, rehabilitating, or
2939 restoring the affected critical area or its buffer;

2940 (~~(4.)~~) D. Minimizing or eliminating the hazard by restoring or stabilizing the
2941 hazard area through engineered or other methods;

2942 (~~(5.)~~) E. Reducing or eliminating the impact or hazard over time by preservation
2943 or maintenance operations during the life of the (~~((development proposal or))~~) alteration;

2944 (~~(6.)~~) F. Compensating for the (~~((adverse))~~) impact by replacing or enhancing
2945 critical areas and their buffers or creating substitute critical areas and their buffers; and

2946 (~~(7.)~~) G. Monitoring the impact, hazard, or success of required mitigation and
2947 taking (~~((remedial))~~) corrective action.

~~((B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.))~~

SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. ~~((If m))~~Mitigation ~~((is))~~ required under this chapter ~~((to compensate for adverse impacts, unless otherwise provided, an applicant))~~ shall:

1. ~~((Mitigate adverse impacts to:~~
a. ~~critical areas and their buffers; and~~
b. ~~the development proposal as a result of the proposed alterations on or near the critical areas; and~~

2. ~~Monitor the performance of any required mitigation))~~ Only occur after avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

2. Achieve no net loss of critical area functions;

3. Prevent risk from hazards posed by the critical area; and

4. Not create impacts on other critical area functions.

B. ~~((The department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers))~~
Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

C. ~~((Whenever mitigation is required, an applicant shall submit a critical area report that includes:~~

2971 1. ~~An analysis of potential impacts;~~
2972 2. ~~A mitigation plan that meets the specific mitigation requirements in this~~
2973 ~~chapter for each critical area impacted; and~~
2974 3. ~~A monitoring plan that includes:~~
2975 a. ~~a demonstration of compliance with this title;~~
2976 b. ~~a contingency plan in the event of a failure of mitigation or of unforeseen~~
2977 ~~impacts if:~~
2978 (1) ~~the department determines that failure of the mitigation would result in a~~
2979 ~~significant impact on the critical area or buffer; or~~
2980 (2) ~~the mitigation involves the creation of a wetland; and~~
2981 c. ~~a monitoring schedule that may extend throughout the impact of the activity~~
2982 ~~or, for hazard areas, for as long as the hazard exists.))~~ A critical area report and
2983 mitigation and monitoring plan is required for any development proposal that includes
2984 mitigation.
2985 D. The department shall require appropriate safeguards, terms, or conditions as
2986 necessary to ensure no net loss of critical area functions as conditions of approval for
2987 mitigation measures, including, but not limited to, conservation easements, financial
2988 guarantees in accordance with K.C.C. Title 27A, and performance monitoring.
2989 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves
2990 ~~((the))~~ mitigation and monitoring plans. The applicant shall notify the department when
2991 mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King
2992 County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections
2993 during ~~((any))~~ the monitoring period.

2994 (~~(E.)~~) F. If monitoring reveals a significant deviation from predicted impact or a
2995 failure of mitigation requirements, the applicant shall implement an approved
2996 contingency plan. The contingency plan constitutes new mitigation and is subject to all
2997 mitigation requirements, including a revised monitoring plan, ~~((and))~~ revised financial
2998 guarantees, ~~((requirements))~~ and an extension of the monitoring period by at least two
2999 years.

3000 SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C.
3001 21A.24.133 are hereby amended to read as follows:

3002 A. ~~((To the maximum extent practical, an applicant shall mitigate adverse~~
3003 ~~impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat~~
3004 ~~network))~~ Mitigation shall be prioritized on or contiguous to the development site.
3005 Preferential consideration shall be given to measures that replace the impacted functions
3006 directly and in the immediate vicinity of the impact.

3007 B. The department may approve mitigation that is off-site ~~((the development~~
3008 ~~site))~~ if an applicant demonstrates that:

3009 1. It is not practical to mitigate on or contiguous to the development proposal
3010 site; ~~((and))~~

3011 2. The off-site mitigation will achieve ~~((equivalent or greater))~~ equal or better
3012 hydrological, water quality, and ~~((wetland or aquatic area))~~ habitat functions~~((:)); and~~

3013 3. The off-site mitigation addresses limiting factors or identified critical needs
3014 for critical area resource conservation based on watershed or comprehensive resource
3015 management plans applicable to the area of impact.

3016 B. ~~((When off-site mitigation is authorized, t))~~The department shall give priority
3017 to locations within the same drainage subbasin as the development proposal site and that
3018 meet the following:

3019 1. Mitigation banking sites and resource mitigation reserves as authorized by
3020 this chapter;

3021 2. Private mitigation sites that are established in compliance with the
3022 requirements of this chapter and approved by the department; ~~((and))~~ or

3023 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~
3024 supported by ecological assessments, including wetland and aquatic areas established as
3025 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

3026 C. The department ~~((may))~~ shall require ~~((documentation))~~ that the mitigation site
3027 ~~((has been))~~ be permanently preserved from future development or alteration that would
3028 be inconsistent with the functions of the mitigation. The applicant shall provide
3029 documentation ~~((may include, but is not limited to,))~~ such as a conservation easement or
3030 other agreement between the applicant and owner of the mitigation site. King County
3031 may enter into agreements or become a party to any easement or other agreement
3032 necessary to ensure that the site continues to exist in its mitigated condition.

3033 D. The department shall maintain a list of sites available for use for off-site
3034 mitigation projects.

3035 E.1. The department ~~((and the department of natural resources and parks have~~
3036 ~~develop a program to allow the payment of a fee in lieu of providing mitigation on a~~
3037 ~~development site.))~~ may approve mitigation through the King County mitigation reserve
3038 program. The program addresses:

3039 a. when the payment of a fee is allowed considering the availability of a site in
3040 geographic proximity with comparable hydrologic and biological functions and potential
3041 for future habitat fragmentation and degradation; and

3042 b. the use of the fees for mitigation on public or private sites that have been
3043 ~~((ranked according to ecological criteria through one or more programs that have~~
3044 ~~included a public process))~~ selected using a watershed approach, in accordance with the
3045 approved in-lieu fee program instrument.

3046 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
3047 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an
3048 electronic copy with the clerk of the council, who shall retain the original and provide an
3049 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
3050 transportation economy and environment committee or its successor. The report should
3051 address the following:

- 3052 a. information on the amount and source of revenues received by the program;
3053 b. a description and rationale for projects selected for funding;
3054 c. an accounting of budgeted and actual expenditures made; and
3055 d. the status of all projects approved in the previous five years, and anticipated
3056 completion date for those projects, if not yet complete.

3057 NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter
3058 21A.24 a new section to read as follows:

3059 A. Revegetation in critical areas and critical area buffers shall:

- 3060 1. Meet the mitigation requirements under this chapter;
3061 2. Provide equal or better ecological function compared to existing conditions;

3062 3. Replicate the structure and function of the historic natural plant community,
3063 except when restoring temporary impacts to a legally altered plant community;

3064 4. Use only native or climate-adaptive plant species that are well suited to thrive
3065 in the current and future site conditions;

3066 5. Prioritize the selection of native vegetation, with the use of climate-adaptive
3067 plants only when appropriate for site conditions; and

3068 6. Include measures to restore soil and hydrologic functions when necessary.

3069 B. The department shall consider site-specific conditions and may allow
3070 modifications to planting plans for planting success.

3071 C.1. The department of natural resources and parks shall adopt a public rule
3072 establishing a list of climate-adaptive plants after consultation with Indian tribes and the
3073 department of local services.

3074 2. In addition to the notification procedures required by K.C.C. chapter 2.98 and
3075 under the State Environmental Policy Act, for the initial rule making under this section
3076 and each subsequent update to the public rule, the director of natural resources and parks
3077 shall:

3078 a. request comment from Indian tribes no less than 60 days before the adoption
3079 of the final rule;

3080 b. meet with and consider the comments of Indian tribes before adoption of the
3081 final rule; and

3082 c. provide, as supplemental material to the final rule, a summary of comments
3083 received from Indian tribes on the list of climate-adaptive plants, and a response to each
3084 of the comments with how the final rule addresses the comments.

3085 3. The initial public rule shall be effective no later than December 31, 2026, and
3086 the public rule shall be evaluated and updated in conjunction with the Comprehensive
3087 Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues
3088 including but not limited to, substantive changes in state or local critical area regulations
3089 or substantive findings from critical area monitoring or adaptive management.

3090 SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C.
3091 21A.24.170 are hereby amended to read as follows:

3092 A. Except as otherwise provided in subsection ~~((of))~~ C. of this section, the owner
3093 of any property containing critical areas or buffers on which a development proposal is
3094 submitted or any property on which mitigation is established ~~((as a result of~~
3095 ~~development))~~ shall file a notice on title ~~((approved by King County))~~ with the records
3096 and licensing services division. The notice on title shall be on a form approved by the
3097 department and inform the public of:

- 3098 1. The presence of critical areas ~~((of))~~₂ buffers₂ or mitigation sites on the
3099 property;
- 3100 2. The application of this chapter to the property; ~~((and))~~
- 3101 3. The possible existence of limitations on actions in or affecting the critical
3102 areas or buffers or the fact that mitigation sites may exist; and
- 3103 4. The existence of approved wetland buffer or riparian area averaging or
3104 reductions on the property.

3105 B. ~~((The applicant for a development proposal shall submit p))~~ Proof that the
3106 notice ~~((required by this section))~~ on title has been filed ~~((for public record))~~ shall be
3107 submitted before ~~((King County))~~ the department approves any development proposal for

3108 the property or((;)) before recording in the case of subdivisions, short subdivisions, and
3109 binding site plans((, at or before recording of the subdivision, short subdivision, or
3110 binding site plan)).

3111 C. The notice required under subsection A. of this section is not required if:

3112 1. The property is a public right-of-way or the site of a permanent public
3113 facility;

3114 2. The development proposal does not require ((sensitive)) critical area review
3115 under K.C.C. 21A.24.100.C.; or

3116 3. The property only contains a critical aquifer recharge area or an erosion
3117 hazard area.

3118 D. Notices on title shall run with the land regardless of ownership, use, or land
3119 division. However, a property owner may apply to the county to have a notice on title
3120 removed or amended, under either of the following circumstances:

3121 1. The department, as part of a critical area review of a permit application or a
3122 critical area designation, determines the information contained in an existing notice on
3123 title is no longer accurate, such as in its type or location; or

3124 2. An adopted critical areas map was updated indicating a reclassification or
3125 declassification of one of the following critical areas on the subject property:

3126 a. critical aquifer recharge areas;

3127 b. wildlife habitat network;

3128 c. channel migration zones;

3129 d. flood hazard areas.

3130 SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C.
3131 21A.24.180 are hereby amended to read as follows:

3132 A. ~~((The applicant))~~ Critical area tracts protect and enhance critical area
3133 functions and values, including, but not limited to, providing fish and wildlife habitat,
3134 and protecting the public from geologic hazards and increased stormwater runoff.
3135 Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to
3136 delineate and protect ~~((those))~~ the following critical areas and associated buffers ~~((listed~~
3137 ~~below in development proposals for subdivisions, short subdivisions or binding site plans~~
3138 ~~and shall record the tracts on all documents of title of record for all affected lots))~~:

3139 1. ~~((All-1))~~ Landslide hazard areas and buffers that are one acre or more in size;
3140 2. ~~((All-s))~~ Steep slope hazard areas and buffers that are one acre or more in size;
3141 3. ~~((All-w))~~ Wetlands and buffers; ~~((and))~~
3142 4. ~~((All-a))~~ Aquatic areas ~~((and buffers))~~;
3143 5. Riparian areas;
3144 6. Alluvial fan hazard areas that are one acre or more in size; and
3145 7. Wildlife habitat networks.

3146 B. A critical area tract established under subsection A. of this section shall be
3147 held either:

3148 1. ~~((held))~~ in an undivided interest by each owner of a building lot within the
3149 development with this ownership interest passing with the ownership of the lot~~((;))~~; or
3150 2. ~~((shall be held))~~ by an incorporated homeowner's association or other legal
3151 entity that ensures the ownership, maintenance, and protection of the tract.

3152 C. ~~((The long-term management goals for critical area tracts established under~~
3153 ~~subsection A. of this section are to protect and enhance critical area functions and values,~~
3154 ~~including, but not limited to, providing fish and wildlife habitat and protecting the public~~
3155 ~~from geologic hazards and increased stormwater runoff.))~~ The specific management
3156 strategy for each tract shall be clearly defined before preliminary approval of the
3157 subdivision or binding site plan.

3158 D. For an off-site mitigation area, the applicant shall place the mitigation area in
3159 a critical area tract in accordance with subsection A. of this section, or in a perpetual
3160 conservation easement as approved by the director.

3161 E. In lieu of the requirements of subsections A. and D. of this section, the director
3162 may allow an applicant to include critical areas in resource tracts established under
3163 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the
3164 purpose of the resource portion is for resource management and the purpose of the
3165 designated critical areas is for critical area protection and enhancement and protecting the
3166 public from geologic hazards and increased stormwater runoff.

3167 ~~((E.))~~ F. Site plans submitted as part of building permits, clearing, and grading
3168 permits, or other development permits shall include and delineate:

3169 1. ~~((A.))~~ Flood hazard areas, as determined by King County in accordance
3170 with K.C.C. 21A.24.230;

3171 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard
3172 areas;

3173 3. Aquatic areas, riparian areas, and wetlands;

3174 4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;

3175 5. Critical area ~~((B))~~ buffers; and

3176 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

3177 ~~((F.))~~ G. If only a part of the development site has been mapped, the part of the

3178 site that has not been mapped shall be clearly identified and labeled on the site plans.

3179 SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C.

3180 21A.24.200 are hereby amended to read as follows:

3181 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures

3182 shall be set back a minimum distance of ~~((fifteen))~~ ten feet from the outside edges of all

3183 critical areas and critical area buffers ~~((or from the edges of all critical areas, if no buffers~~

3184 ~~are required))~~. ~~((When the))~~ If site disturbance is within a critical area or an associated

3185 buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building~~

3186 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance. The

3187 following are allowed in the ~~((building))~~ critical area setback area:

3188 A. Landscaping;

3189 B. Uncovered decks;

3190 C. Building overhangs if the overhangs do not extend more than eighteen inches

3191 into the setback area;

3192 D. Impervious ground surfaces, such as driveways and patios~~((, but the))~~;

3193 however, improvements are required to meet any special drainage provisions specified in

3194 public rules adopted for ~~((the various))~~ critical areas and the Surface Water Design

3195 Manual;

3196 E. Utility service connections as long as the excavation for installation avoids

3197 impacts to the critical area or associated buffer; and

3198 F. Minor encroachments if adequate protection of the buffer will be maintained.

3199 SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C.

3200 21A.24.275 are hereby amended to read as follows:

3201 The following development standards apply to development proposals and
3202 alterations on sites within channel migration zones that have been mapped and adopted
3203 by public rule:

3204 A. The development standards that apply to the ~~((aquatic area buffers))~~ riparian
3205 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ~~((zone))~~ hazard
3206 areas and the portion of the moderate channel migration ~~((zone))~~ hazard areas that is
3207 within the ~~((aquatic area buffer))~~ riparian areas. The more-restrictive standards apply
3208 where there is a conflict;

3209 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a
3210 severe channel migration hazard area; and

3211 C. The following standards apply to development proposals and alterations
3212 within the moderate channel migration hazard area:

3213 1. Maintenance, repair, or expansion of any use or structure is allowed if the
3214 existing structure's footprint is not expanded towards any source of channel migration
3215 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3216 2. New primary dwelling units, accessory dwelling units, or accessory living
3217 quarters, and required infrastructure, are allowed if:

3218 a. the structure is located on a ~~((separate))~~ legally established lot in existence
3219 on or before February 16, 1995;

3220 b. a feasible alternative location outside of the channel migration hazard area is
3221 not available on((-)) the site; and

3222 c. to the maximum extent practical, the structure and supporting infrastructure
3223 is located the farthest distance from any source of channel migration hazard, unless the
3224 applicant can demonstrate that an alternative location is:

3225 (1) the least subject to risk; or

3226 (2) within the outer third of the moderate channel migration hazard area as
3227 measured perpendicular to the channel;

3228 3. New accessory structures are allowed if:

3229 a. a feasible alternative location is not available on-site; and

3230 b. to the maximum extent practical, the structure is located the farthest distance
3231 from the migrating channel; and

3232 4. The subdivision of property is allowed within the portion of a moderate
3233 channel migration hazard area located outside (~~(an aquatic area buffer)~~) a riparian area if:

3234 a. All lots contain five-thousand square feet or more of net buildable (~~((land))~~)
3235 area outside of the moderate channel migration hazard area;

3236 b. Access to all lots does not cross the moderate channel migration hazard
3237 area; and

3238 c. All infrastructure is located outside the moderate channel migration hazard
3239 area except that an on-site septic system is allowed in the moderate channel migration
3240 hazard area if:

3241 (1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area ~~((with a slope of forty percent or greater))~~ or associated buffer;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ~~((prepared by a geotechnical engineer or geologist.))~~;

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ~~((is))~~ shall be fifty feet~~((-))~~;

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ~~((building))~~ critical area setback in K. C. C. 21A.24.200 to one-hundred feet; and

4. For alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the landslide hazard area;

3265 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3266 allowed alteration, removal of any vegetation from a landslide hazard area or associated
3267 buffer is prohibited;

3268 D. All alterations shall minimize disturbance to the landslide hazard area, slope,
3269 and vegetation unless necessary for slope stabilization; ~~((and))~~

3270 E. Alterations ~~((in a landslide hazard area located on a slope less than forty~~
3271 ~~percent are allowed if:~~

3272 1. ~~The proposed alteration will)) shall~~ not decrease slope stability on contiguous
3273 properties; ~~((and~~

3274 2.)) F. The risk of property damage or injury resulting from landsliding ~~((is))~~
3275 shall be eliminated or minimized;

3276 G. The risk of landsliding as a result of slope instability shall be considered to be
3277 minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5
3278 for static conditions and 1.1 for seismic conditions. Except when a more detailed
3279 deformation analysis is conducted, seismicity shall be modeled as a horizontal force
3280 equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as
3281 given for the site in the International Building Code and American Society of Civil
3282 Engineers 7 standard; and

3283 H. Alterations shall comply with the requirements and recommendations of the
3284 geological critical area report.

3285 SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in
3286 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

3287 SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C.

3288 21A.24.310 are hereby amended to read as follows:

3289 The following development standards apply to development proposals and
3290 alterations on sites containing steep slope hazard areas:

3291 A. ~~((Except as provided in subsection D. of this section, u))~~ Unless allowed as an
3292 alteration exception under K.C.C. 21A.24.070, only the following alterations ~~((identified~~
3293 ~~in K.C.C. 21A.24.045))~~ are allowed within a steep slope hazard area or associated
3294 buffer((;)):

3295 1. Alterations identified in K.C.C. 21A.24.045;

3296 2. Alterations to steep slopes with a vertical elevation change of up to twenty
3297 feet where no impact will result. The department may approve this exemption based on a
3298 review of and concurrence with a geological critical area report; and

3299 3. Regrading of any slope that was created through previous legal grading
3300 activities. Any slope that remains forty percent or steeper after alterations are completed
3301 are subject to requirements for steep slope hazard areas.

3302 B. A buffer is required from all edges of the steep slope hazard area. To
3303 eliminate or minimize the risk of property damage or injury resulting from slope
3304 instability, landsliding, or erosion caused in whole or part by the development, the
3305 department shall determine the size of the buffer based upon a geological critical area
3306 report ~~((prepared by a geotechnical engineer or geologist. The department of local~~
3307 ~~services shall adopt a public rule to implement this subsection, including implementing~~
3308 ~~the requirements for development and review of a critical area report))~~.

3309 1. For new structures and substantial improvements to existing structures on
3310 sites where any portion of the steep slope hazard area extends into the coastal high hazard
3311 area or sea level rise risk area:

3312 a. The geological critical area report shall include an assessment of current and
3313 future risks of sea level rise conditions anticipated to occur over the next fifty years and a
3314 recommended buffer;

3315 b. If a geological critical area report is not submitted to the department, the
3316 minimum buffer shall be seventy-five feet;

3317 2. For all other development not identified in subsection B.1. of this section:

3318 a. If a geological critical area report is not submitted to or required by the
3319 department, the minimum buffer shall be fifty feet; and

3320 b. For ~~((building permits for))~~ alterations associated with single detached
3321 dwelling units only, the department may waive the ~~((special study))~~ geological critical
3322 area report requirement and authorize buffer reductions if the department determines that
3323 the reduction will adequately protect the proposed development and the ~~((critical area))~~
3324 steep slope hazard area;

3325 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3326 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
3327 prohibited; ~~((and))~~

3328 D. ~~((All alterations are allowed in the following circumstance:~~

3329 ~~1. Slopes which are forty percent or steeper with a vertical elevation change of~~
3330 ~~up to twenty feet if no adverse impact will result from the exemption based on King~~

County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

~~2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes))~~ The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard areas are mapped:

A. The department may approve alterations ~~((to seismic hazard areas))~~ only if:

1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ~~((proposed))~~ development proposal site is not ~~((located in))~~ a seismic hazard area; or

3354 2. The applicant implements appropriate engineering design based on the best
3355 available engineering and geological practices that either eliminates or minimizes the risk
3356 of structural damage or injury resulting from seismically induced settlement or soil
3357 liquefaction; and

3358 B. The department may waive or reduce engineering study and design
3359 requirements for alterations in seismic hazard areas for:

3360 1. ((~~Mobile~~)) Manufactured homes;

3361 2. Additions or alterations that do not increase occupancy or significantly affect
3362 the risk of structural damage or injury; and

3363 3. One-story buildings with less than two-thousand-five hundred((s)) square feet
3364 of floor area or roof area, whichever is greater, and that are not dwelling units or used as
3365 places of employment or public assembly.

3366 NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24
3367 a new section to read as follows:

3368 The following development standards apply to development proposals and
3369 alterations on sites containing alluvial fan hazard areas:

3370 A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within
3371 alluvial fan hazard areas;

3372 B. A buffer may be required from the edge of the alluvial fan hazard area. To
3373 eliminate or minimize the risk of property damage or injury resulting from inundation,
3374 sedimentation, or erosion caused in whole or part by the development, the department
3375 shall determine the size of the buffer based upon a geological critical area report.

3376 C. A geological critical area report is required for alterations that are on an
3377 alluvial fan or within fifty feet of an alluvial fan;

3378 D. Alterations shall minimize and not increase the risk of inundation,
3379 sedimentation, channel migration, or erosion on adjacent properties;

3380 E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3381 allowed alteration, removal of any vegetation from an alluvial fan hazard area or
3382 associated buffer is prohibited;

3383 F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope,
3384 and vegetation unless necessary for slope stabilization; and

3385 G. The alteration shall not increase the frequency or magnitude of sediment
3386 management activities or in-stream channel work that could impact fish habitat or
3387 passage.

3388 NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24
3389 a new section to read as follows:

3390 A. This section applies to development proposals on sites that are within tsunami
3391 hazard areas.

3392 B. New and substantially improved residential buildings within a tsunami hazard
3393 area shall be designed to provide protection from inundation and debris impact according
3394 to the projected hazard level. The projected hazard level shall be determined by the
3395 county based on Washington state Department of Natural Resources tsunami inundation
3396 maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and
3397 relevant requirements of the building code in K.C.C. Title 16.

3398 C. Except for buildings that support water-oriented uses, new buildings shall be
3399 located on portions of the parcel or parcels under contiguous ownership that are not
3400 within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under
3401 contiguous ownership are located outside the tsunami hazard area, or if the portion
3402 outside the tsunami hazard area is not feasible for new building purposes, new buildings
3403 shall be located as far from the tsunami hazard area as feasible.

3404 D. New critical facilities shall not be constructed in a tsunami hazard area if there
3405 is a feasible alternative location outside the tsunami hazard area that would serve the
3406 intended service area or service population. If allowed in the tsunami hazard area, the
3407 critical facility shall be designed to minimize the risk and danger to the public health and
3408 safety to the maximum extent practical, which may include, but is not limited to,
3409 preparation of a tsunami evacuation plan.

3410 SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby
3411 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

3412 SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby
3413 amended to read as follows:

3414 Based upon a geological critical area report containing a coal mine hazard
3415 assessment (~~((prepared in accordance with this chapter))~~), the department shall classify
3416 coal mine hazard areas as follows:

3417 A. Declassified coal mine areas are those areas where the risk of catastrophic
3418 collapse is not significant and that the hazard assessment report has determined do not
3419 require special engineering or architectural recommendations to prevent significant risks
3420 of property damage. Declassified coal mine areas typically include, but are not limited

3421 to, areas underlain or directly affected by coal mines at depths of more than three hundred
3422 feet as measured from the surface;

3423 B. Moderate coal mine hazard areas are those areas that pose significant risks of
3424 property damage that can be mitigated by implementing special engineering or
3425 architectural recommendations. Moderate coal mine hazard areas typically include, but
3426 are not limited to, areas underlain or directly affected by abandoned coal mine workings
3427 from a depth of zero, which is the surface of the land, to three hundred feet or with
3428 overburden-cover-to-seam thickness ratios of less than ten to one depending on the
3429 inclination of the seam; and

3430 C. Severe coal mine hazard areas are those areas that pose a significant risk of
3431 catastrophic ground surface collapse. Severe coal mine hazard areas typically include,
3432 but are not limited to, areas characterized by unmitigated openings such as entries,
3433 portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes,
3434 and other areas of past or significant probability for catastrophic ground surface collapse;
3435 or areas characterized by((;)) overland surfaces underlain or directly affected by
3436 abandoned coal mine workings from a depth of zero, which is the surface of the land, to
3437 one hundred fifty feet.

3438 SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in
3439 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

3440 SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in
3441 K.C.C. chapter 21A.24 to follow section that77, as recodified by this ordinance.

3442 SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311
3443 are hereby amended to read as follows:

3444 The map entitled King County Critical Aquifer Recharge Areas, included in
3445 Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer
3446 recharge areas in King County in accordance with RCW 36.70A.170, as modified by
3447 notices of map amendment in K.C.C. 21A.24.312.

3448 SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C.
3449 21A.24.312 are hereby amended to read as follows:

3450 A. Upon application supported by a critical area((s)) report that includes a
3451 hydrogeologic site evaluation, the department, in consultation with the department of
3452 natural resources and parks, may determine that an area ((~~that is or is not classified as a~~))
3453 on the critical aquifer recharge area ((~~on the~~)) map adopted under K.C.C. 21A.24.311:

3454 ((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and
3455 declassify that area if it is classified as a critical aquifer recharge area;

3456 ((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine
3457 the correct classification; or

3458 ((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be
3459 so classified based on the standards of K.C.C. 21A.24.313.

3460 B. Upon reclassification or declassification, a notice of map amendment for the
3461 affected parcel or parcels shall be sent from the department of natural resources and parks
3462 to the property owner, applicant, if applicable, and the county assessor.

3463 SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C.
3464 21A.24.313 are hereby amended to read as follows:

3465 Critical aquifer recharge areas are categorized as follows:

3466 A. Category I critical aquifer recharge areas include those mapped areas that
3467 King County has determined ~~((are))~~:

3468 1. Are ~~((H))~~ highly susceptible to groundwater contamination and that are
3469 located within a sole source aquifer or a wellhead protection area; or

3470 2. Are ~~((I))~~ in an area where hydrogeologic mapping or a numerical flow
3471 transport model in a Washington department of health approved wellhead protection plan
3472 demonstrate that the area is within the one-year time of travel to a wellhead for a Group
3473 A water system;

3474 B. Category II critical aquifer recharge areas include those mapped areas that
3475 King County has determined:

3476 1. Have a medium susceptibility to ground~~((-))~~water contamination and are
3477 located in a sole source aquifer or a wellhead protection area; or

3478 2. Are highly susceptible to groundwater contamination and are not located in a
3479 sole source aquifer or wellhead protection area; and

3480 C. Category III critical aquifer recharge areas include those mapped areas that
3481 King County has determined have low susceptibility to groundwater contamination and
3482 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~

3483 Vashon-Maury Island.

3484 SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C.

3485 21A.24.316 are hereby amended to read as follows:

3486 The following development standards apply to development proposals and
3487 alterations on sites containing critical aquifer recharge areas:

3488 A. Except as otherwise provided in subsection H. of this section, the following
3489 new development proposals and alterations are not allowed on a site located in a category
3490 I critical aquifer recharge area:

- 3491 1. Transmission pipelines carrying petroleum or petroleum products;
- 3492 2. Sand and gravel, and hard rock mining unless:
 - 3493 a. the site has mineral zoning as of January 1, 2005; or
 - 3494 b. ~~((mining))~~ mineral extraction is an ~~((permitted))~~ allowed use on the site and
3495 the critical aquifer recharge area was mapped after the date a complete application for
3496 mineral extraction on the site was filed with the department;
- 3497 3. ~~((Mining of any type))~~ Mineral extraction below the upper surface of the
3498 saturated ground~~((--))~~water that could be used for potable water supply;
- 3499 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3500 5. Hydrocarbon extraction;
- 3501 6. Commercial wood treatment facilities on permeable surfaces;
- 3502 7. Underground storage tanks, including tanks that are exempt from the
3503 requirements of chapter 173-360A WAC, with hazardous substances, as defined in
3504 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-
3505 360A WAC and K.C.C. Title 17;
- 3506 8. Above~~((--))~~ground storage tanks for hazardous substances, as defined in
3507 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3508 containment areas and a spill protection plan;
- 3509 9. Golf courses;
- 3510 10. Cemeteries;

3511 11. Wrecking yards;

3512 12. Landfills for hazardous waste, municipal solid waste, or special waste, as

3513 defined in K.C.C. chapter 10.04; and

3514 13. On lots smaller than one acre, an on-site septic system, unless:

3515 a. the system is approved by the Washington state Department of Health and

3516 has been listed by the Washington ~~((S))~~state Department of Health as meeting treatment

3517 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3518 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King

3519 County determines that the systems required under subsection A.13.a. of this section will

3520 not function on the site.

3521 B. Except as otherwise provided in subsection H. of this section, the following

3522 new development proposals and alterations are not allowed on a site located in a category

3523 II critical aquifer recharge area:

3524 1. Mining of any type below the upper surface of the saturated ground~~((-))~~water

3525 that could be used for potable water supply;

3526 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3527 3. Hydrocarbon extraction;

3528 4. Commercial wood treatment facilities located on permeable surfaces;

3529 5.a. Underground storage tanks with hazardous substances, as defined in chapter

3530 70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and

3531 K.C.C. Title 17, ~~((E))~~except for a category II critical aquifer recharge area located over

3532 an aquifer underlying ~~((an island that is surrounded by saltwater, underground storage~~

3533 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~
3534 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17))~~ Vashon-Maury Island; and

3535 b. For a category II critical aquifer recharge area located over an aquifer
3536 underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island,
3537 underground storage tanks, including underground storage tanks exempt from the
3538 requirements of chapter 173-360A WAC, with hazardous substances, as defined in
3539 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with the standards in chapter 173-
3540 360A WAC and K.C.C. Title 17;

3541 6. Above~~(())~~ground storage tanks for hazardous substances, as defined in
3542 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3543 containment areas and a spill protection plan;

3544 7. Wrecking yards;

3545 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
3546 defined in K.C.C. chapter 10.04; and

3547 9. On lots smaller than one acre, an on-site septic systems, unless:

3548 a. the system is approved by the Washington state Department of Health and
3549 has been listed by the Washington state Department of Health as meeting treatment
3550 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3551 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
3552 County determines that the systems required under subsection B.9.a. of this section will
3553 not function on the site.

3554 C. Except as otherwise provided in subsection H. of this section, the following
3555 new development proposals and alterations are not allowed on a site located in a category
3556 III critical aquifer recharge area:

- 3557 1. Disposal of radioactive wastes, as defined in chapter ~~((43-200))~~ 70A.384
3558 RCW;
- 3559 2. Hydrocarbon extraction;
- 3560 3. Commercial wood treatment facilities located on permeable surfaces;
- 3561 4. Underground storage tanks, including tanks exempt from the requirements of
3562 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70-105))~~
3563 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and
3564 K.C.C. Title 17;
- 3565 5. Above ground storage tanks for hazardous substances, as defined in chapter
3566 ~~((70-105))~~ 70A.300 RCW, unless protected with primary and secondary containment
3567 areas and a spill protection plan;
- 3568 6. Wrecking yards; and
- 3569 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3570 defined in K.C.C. chapter 10.04.

3571 D. The following standards apply to development proposals and alterations that
3572 are substantial improvements on a site located in a critical aquifer recharge area:

- 3573 1. The owner of an underground storage tank, including a tank that is exempt
3574 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer
3575 recharge area or a category II critical aquifer recharge area located over an aquifer
3576 underlying Vashon-Maury Island shall either bring the tank into compliance with the

standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within ~~((H))~~Urban ~~((G))~~Growth ~~((A))~~Area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the ~~((King County))~~ Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are ~~((permitted))~~ allowed within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ~~((family))~~ detached residence if the requirements of ~~((K.C.C.))~~ King County Board of Health Code BOH 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3599 3.a. The owner of a new well located within the sea level rise risk area shall test
3600 the well for chloride levels using testing protocols approved by the Washington state
3601 Department of Health.

3602 b. The owner shall report the results of the test to ~~((Seattle King County~~
3603 ~~department of))~~ public health – Seattle & King County and to the department of natural
3604 resources and parks.

3605 c. If the test results indicate saltwater intrusion is likely to occur, the
3606 department of natural resources and parks, in consultation with ~~((Seattle King County~~
3607 ~~department of))~~ public health – Seattle & King County, shall recommend appropriate
3608 measures.

3609 d. The owner shall implement all recommended measures in addition to the
3610 minimum requirements of this title to prevent saltwater intrusion

3611 H. On a site greater than twenty acres, the department may approve a
3612 development proposal otherwise prohibited by subsections A., B.,₁ and C. of this section if
3613 the applicant demonstrates through a critical area report that the development proposal is
3614 located outside the critical aquifer recharge area and that the development proposal will
3615 not cause an ~~an~~ ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer
3616 recharge area.

3617 I. The provisions relating to underground storage tanks in subsections A. through
3618 D. of this section apply only when the proposed regulation of underground storage tanks
3619 has been submitted to and approved by the Washington state ~~((d))~~ Department of
3620 ~~((e))~~ Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~
3621 ~~530))~~ 173-360A-0130.

3622 SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C.

3623 21A.24.318 are hereby amended to read as follows:

3624 A. Identification of wetlands and delineation of their boundaries shall be done in
3625 accordance with the approved federal wetland delineation manual and applicable regional
3626 supplement as set forth in WAC 173-22-035.

3627 B. Wetlands shall be rated into category I, category II, category III, and category
3628 IV based on the adopted Washington State Wetland Rating System for Western
3629 Washington, Washington state Department of Ecology publication number ((14-06-029))
3630 23-06-009, published October 2014 and updated July 2023.

3631 C. Wetland rating categories shall not recognize illegal modifications.

3632 SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C.

3633 21A.24.325 are hereby amended to read as follows:

3634 A. Except as otherwise provided in this section, buffers shall be provided from
3635 the wetland edge as follows:

3636 1. The buffers shown on the following table apply unless modified in
3637 accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((250)) <u>300</u> feet	((190)) <u>225</u> feet	((125)) <u>150</u> feet

Bog	((250)) <u>300</u> feet	((190)) <u>225</u> feet	((125)) <u>150</u> feet
Estuarine	((200)) <u>300</u> feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Coastal Lagoon	((200)) <u>300</u> feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet

Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((50)) <u>60</u> feet	((40)) <u>45</u> feet	((25)) <u>35</u> feet

3638 2. For purposes of this subsection A., unless the director determines a lesser
3639 level of impact is appropriate based on information provided by the applicant, the
3640 intensity of impact of the adjacent land use is determined as follows:

3641 a. High impact includes:

3642 (1) sites zoned commercial or industrial;

3643 (2) commercial, institutional, or industrial use on a site regardless of the
3644 zoning classification;

3645 (3) nonresidential use on a site zoned ~~((for residential use))~~ RA, UR, or R,
3646 such as telecommunication towers and associated equipment;

3647 (4) high-intensity active recreation use on a site regardless of zoning, such as
3648 golf courses, ~~((ball))~~ sports fields, and similar use;

3649 (5) all sites within the Urban Growth Area, except recreational uses in
3650 subsection A.2.b.(6) and A.2.c.(2) of this section; ~~((or))~~

3651 (6) Residential zoning greater than one dwelling unit per acre;

3652 (7) railroads; or

3653 (8) federal and state highways, including on-ramps and exits, state routes, and

3654 other roads associated with high impact land uses;

3655 b. Moderate impact includes:

3656 (1) residential uses on sites zoned residential one dwelling unit per acre or

3657 less;

3658 (2) residential use on a site zoned ~~((rural area, agriculture or forestry))~~ RA, A,

3659 or F;

3660 (3) agricultural uses without an approved farm management plan;

3661 (4) forest service roads and roads associated with moderate impact land uses;

3662 (5) utility corridors or right-of-way shared by several utilities, including

3663 maintenance roads; or

3664 ~~(((5)))~~ (6) moderate-intensity active recreation or open space use, such as

3665 paved trails, parks with biking, jogging, and similar use; and

3666 c. Low impact includes:

3667 (1) forestry uses on a site regardless of zoning classification;

3668 (2) passive recreation uses, such as unpaved trails, nature viewing areas,

3669 fishing and camping areas, and other similar uses that do not require permanent

3670 structures~~((5))~~ on a site regardless of zoning;

3671 (3) agricultural uses carried out in accordance with an approved farm

3672 management plan and in accordance with K.C.C. 21A.24.045~~((D.53. and K.C.C.~~

3673 ~~21A.24.045-D.54.))~~; or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. ~~((The department may approve a modification of the minimum))~~ Wetland buffer width ~~((required by this section by averaging the buffer width))~~ averaging may be allowed if an ecological critical area report demonstrates:

1.a. ~~((The department determines that:~~
a. ~~the b.))~~ Buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a ~~(("))~~ dual-rated~~(("))~~ wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; ~~((and~~

2. ~~The resulting buffer meets the following standards:~~

a.) 2. ~~((t))~~ The total area of the buffer after averaging is ~~((equivalent))~~ equal to or greater than the area of the buffer before averaging;

~~((b.))~~ 3. ~~((t))~~ The additional buffer is contiguous with the standard buffer;

~~((e.))~~ 4. ~~((t))~~ The buffer at its narrowest point is ~~((never))~~ no less than ~~((either))~~ seventy-five percent of the required width ~~((or seventy five feet for Category I and II, fifty feet for Category III, and twenty five feet for Category IV, whichever is greater))~~;

~~((d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by critical area report from a qualified wetland professional; and))~~

5. No net loss of wetland functions and values shall occur as a result of buffer averaging.

Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

3697 ~~((e-))~~ 6. ((t))The buffer is increased adjacent to the higher functioning ~~((area~~
3698 ~~of))~~ habitat or more sensitive portion of the wetland and decreased adjacent to the lower-
3699 functioning or less-sensitive portion ~~((as demonstrated by a critical area report from a~~
3700 ~~qualified wetland professional))~~;

3701 7. Buffer averaging is not combined with other buffer reductions or
3702 modifications; and

3703 8. Indirect impacts are assessed and mitigated.

3704 C. Wetland buffer widths shall also be subject to modifications under the
3705 following special circumstances:

3706 1. For wetlands containing documented habitat for endangered, threatened, or
3707 species of local importance, the following shall apply:

3708 a. the department shall establish the appropriate buffer, based on a habitat
3709 assessment, to ensure that the buffer provides adequate protection for the sensitive
3710 species; and

3711 b. the department may apply the buffer reduction rules in subsection C.~~((6))~~5.
3712 of this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section~~((;))~~.

3713 2. For a wetland buffer that includes a steep slope hazard area or landslide
3714 hazard area, the ~~((buffer))~~ width ~~((is))~~ shall be the greater of:

3715 a. the wetland buffer width ~~((required by the wetland's category in this~~
3716 ~~section))~~; or

3717 b. the wetland buffer width, extended upslope towards the top of the landslide
3718 or steep slope hazard area, as measured perpendicular to topographic contours, up to a
3719 maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex (~~located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051~~), the buffer widths ~~((is determined))~~ are as follows:

a. ~~((§))~~The buffer width for each individual wetland ~~((in the complex is the same width as the buffer width required for the category of wetland))~~ shall be consistent with subsection A. of this section;

b. ~~((§))~~If the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. ~~((w))~~Wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

3742 d. ~~((†))~~The department may exclude a wetland from the wetland complex if the
3743 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3744 that are commonly recognized to exclusively or partially use wetlands and wetland
3745 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

3746 e. ~~((†))~~The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
3747 allowed in corridors subject to the same conditions and requirements ~~((as wetland buffers~~
3748 ~~as long as))~~ if the alteration is designed so as not to disrupt wildlife movement through
3749 the corridor;

3750 4. Where a legally established public roadway transects a wetland buffer, the
3751 department may approve a modification of the ~~((minimum))~~ required buffer width to the
3752 edge of the roadway if:

3753 a. the part of the buffer on the other side of the roadway sought to be reduced:
3754 ~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development~~
3755 ~~or the))~~ wetland functions and values from the proposed alteration; and

3756 ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer
3757 functions relating to the other portion of the buffer adjacent to the wetland; and

3758 b. the applicant provides a written evaluation that includes:

3759 (1) a description of the vegetative composition, hydrologic regime,
3760 topography, and development on both sides of the roadway;

3761 (2) an assessment of the functions that the buffer provides on the other side of
3762 the roadway for wildlife habitat, water quality, and water quantity; and

(3) an analysis of how the roadway fully disconnects the buffer from providing the assessed functions, and whether the disconnection affects the entirety of the buffer; and

~~5. ((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

~~6. The buffer widths required for proposed land uses with))~~ For developments with residential uses, mixed-use, daycares, and social services within the Urban Growth Area that are categorized as high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate ((intensity)) impacts ((under the following conditions)) if:

a. all the following measures to minimize impacts of the proposed land uses are applied:

(1) revegetate with dense native vegetation or climate-adaptive plants along the edge of the buffer and in any other portion of the buffer wherever existing vegetation is sparse;

(2) install wildlife lighting and direct all light away from the wetland;

(3) locate noise-generating activities away from the wetland;

(4) install wildlife passable fencing at the edge of the wetland buffer;

(5) attach critical area signs to wildlife passable fencing every fifty to seventy-five linear feet, as determined by the department, so that a sign is visible from any point along the edge of the critical area or buffer;

3786 (6) submit an integrated pest and weed management plan that prohibits the
3787 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and
3788 (7) demonstrate how each of the following meets the core requirements in the
3789 Surface Water Design Manual, including:

3790 (a) stormwater runoff;
3791 (b) change in water regime; and
3792 (c) erosion and dust control; and

3793 b. ~~((F))~~for wetlands that score moderate or high for habitat functions~~((, which~~
3794 ~~means six points or higher, the width of the buffer can be reduced if both of the following~~
3795 ~~criteria are met:~~

3796 ~~((1) A))~~a relatively undisturbed vegetated corridor at least one-hundred feet
3797 wide is protected between the wetland and ~~((any other Priority Habitats as defined by the~~
3798 ~~Washington state Department of Fish and Wildlife in the priority habitat and species list))~~
3799 a legally-protected, relatively undisturbed and vegetated area. The corridor ~~((must))~~ shall
3800 be protected for the entire distance ~~((between the wetland and the priority habitat))~~ and
3801 ~~((legally))~~ recorded via a conservation easement; and

3802 ~~((2) Measures to minimize the impacts of different land uses on wetlands as~~
3803 ~~identified in subsection C.6.b. of this section are applied; and~~

3804 b. ~~For wetlands that score low for habitat, which means less than six points, the~~
3805 ~~buffer width can be reduced to that required for moderate intensity impacts by applying~~
3806 ~~measures to minimize impacts of the proposed land uses, as follows:~~

Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.

Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.))

3807 c. the development proposal does not impact the reduced buffer.

3808 D. The department may approve a modification to the buffers established in
3809 subsection A. of this section if the wetland was created or its characterization was
3810 upgraded as part of a voluntary enhancement or restoration project.

3811 E. If the site is located within the shoreline jurisdiction, the department shall
3812 determine that a proposal to reduce wetland buffers under this section will result in no net
3813 loss of shoreline ecological functions or wetland functions and values.

3814 SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C.
3815 21A.24.335 are hereby amended to read as follows:

3816 The following development standards apply to development proposals and
3817 alterations on sites containing wetlands or ~~((their))~~ associated buffers:

3818 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3819 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3820 B. ~~((The a))~~ Applicants may include climate-adaptive plants that have been
3821 approved by King County in mitigation or restoration projects, but shall not otherwise
3822 introduce any plant or wildlife that is not indigenous to the Puget Sound ~~((lowland))~~
3823 region into any wetland or wetland buffer unless authorized by a state or federal permit or
3824 approval; and

3825 C. ~~((A category IV wetland less than two thousand five hundred square feet that~~
3826 ~~is not part of a wetland complex may be altered in accordance with an approved~~
3827 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~
3828 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~
3829 ~~on the type of mitigation measures proposed; and~~

3830 D.)) Alterations to category I wetlands containing bogs or fens are limited to
3831 K.C.C. 21A.24.045, D.20. and D.((52))51.

3832 SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C.
3833 21A.24.340 are hereby amended to read as follows:

3834 In addition to the requirements in ((K.C.C. 21A.24.125 and 21A.24.130)) this
3835 chapter, the following applies to wetland and wetland buffer mitigation ((to compensate
3836 for the adverse impacts associated with an alteration to a wetland or wetland buffer)):

3837 A. Mitigation measures ((must)) shall achieve ((equivalent or greater)) equal or
3838 better wetland functions and values, including, but not limited to:

3839 1. Habitat functions such as complexity, connectivity, and other biological and
3840 ecological functions; and

3841 2. Hydrological functions, such as ((S))seasonal hydrological dynamics, as
3842 provided in the ((King County)) Surface Water Design Manual;

3843 B. For permanent impacts to a wetland or wetland buffer, ((F))the following
3844 ratios of ((area of)) mitigation area to ((area of alteration)) impact area apply ((to
3845 mitigation measures for permanent alterations)):

3846 1. For ((alterations)) impacts to a wetland buffer, a ratio of ((one to one; and))
3847 1:1 on-site, and 2:1 off-site;

3848 2. For ((alterations)) direct impacts to a wetland that result in permanent, direct
3849 loss of wetland area:

((Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation	Wetland enhancement only
---	--	---	--	---

			(R/C) and wetland enhancement (E)	
Category IV	1:5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I wetlands of high conservation value	Not allowed	6:1 rehabilitation of a wetland of high conservation value	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal	Case-by-case	Case-by-case

		lagoon		
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by- case))

3850

<u>Category and type of wetland</u>	<u>Wetland reestablishment or creation</u>	<u>Wetland rehabilitation</u>	<u>1:1 Wetland reestablishment or creation (R/C) and wetland enhancement (E)</u>	<u>Wetland enhancement only</u>
<u>Category I wetlands of high conservation value</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I estuarine</u>	<u>Case-by-case</u>	<u>8:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I coastal lagoon</u>	<u>Not allowed</u>	<u>8:1</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 20:1 E</u>	<u>Case-by-case</u>

<u>forested</u>				
<u>All other</u> <u>Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 12:1 E</u>	<u>Case-by-case</u>
<u>Category II</u> <u>estuarine</u>	<u>Case-by-case</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other</u> <u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>

3851 3. For indirect impacts to a wetland, one half of the ratio required by subsection

3852 B.2. of this section.

3853 C. The following ratios ((~~of area~~)) of mitigation area to ((~~area of alteration~~))

3854 impact area apply to ((~~mitigation measures for~~)) temporary ((~~alterations~~)) impacts where

3855 wetland((~~s will~~)) functions are expected to take longer than one year to be restored.

3856 Temporary impacts do not ((~~be impacted by~~)) include permanent fill material((~~:~~)) or

3857 removal of old growth or mature trees, as defined in the Washington state Department of

3858 Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitati	<u>Reestablish</u>	Enhanceme	Rehabilitati	<u>Reestablish</u>

		on	ment or ((€)) <u>creatio</u> n ((or restoration))	nt	on	hment or ((€)) <u>creati</u> on ((or restoration)
Category I	((6)) <u>8</u> :1	((4.5)) <u>6</u> :1	3:1	((3)) <u>4</u> :1	2:1	1.5:1
Category II	((3)) <u>6</u> :1	((2)) <u>3</u> :1	1.5:1	((1.5)) <u>3</u> :1	<u>1.5</u> :1	.75:1
Category III	((2)) <u>4</u> :1	((1.5)) <u>2</u> :1	1:1	((1)) <u>2</u> :1	((.75)) <u>1</u> :1	.5:1
Category IV	((1.5)) <u>3</u> :1	<u>1.5</u> :1	.75:1	((Not applicable)) <u>1.5:1</u>	((Not applicable)) <u>.75:1</u>	((Not applicable) <u>.25:1</u>

3859 D. The department may increase the mitigation ratios provided in subsections B.

3860 and C. of this section under the following circumstances:

3861 1. The department determines there is uncertainty as to the probable success of

3862 the proposed restoration or creation;

3863 2. A significant period of time will elapse between the impact caused by the

3864 development proposal and the establishment of wetland functions at the mitigation site;

3865 3. The proposed mitigation will result in a lower category wetland or reduced

3866 functions relative to the wetland being impacted; (~~(or)~~)

3867 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,
3868 as defined in the Federal Standards and Procedures for the National Watershed Boundary
3869 Dataset: United States Geological Survey, 2022, as the impact;

3870 5. The proposed mitigation site differs from the development proposal site in
3871 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat
3872 characteristics;

3873 6. The development proposal site contains documented habitat for federal or
3874 state listed endangered, threatened, sensitive, or candidate species or King County species
3875 of local importance; or

3876 7. The alteration causing the impact was ((an)) unauthorized ((impact)).

3877 E. ~~((The department may decrease the mitigation ratios provided in subsections~~
3878 ~~B. and C. of this section under the following circumstances))~~ Wetland mitigation bank or
3879 in lieu fee program credits may be approved as off-site compensatory mitigation under
3880 K.C.C. 21A.24.133. Instead of mitigation ratios in subsection B. or C. of this subsection,
3881 wetland mitigation bank or in lieu fee program mitigation ratios are as follows:

3882 1. ~~((The applicant demonstrates by documentation submitted by a qualified~~
3883 ~~wetland specialist that the proposed mitigation actions have a very high likelihood of~~
3884 ~~success based on hydrologic data and prior experience;~~

3885 2. ~~The applicant demonstrates by documentation by a qualified wetland~~
3886 ~~specialist that the proposed actions for compensation will provide functions and values~~
3887 ~~that are significantly greater than the wetland being impacted;~~

3. ~~The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depression, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

~~b. the category of the area with a different class is lower than that of the entire wetland; and~~

~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.))~~ For wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument, with a minimum bank credit to impact acre ratio of 1:1;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be 1:1; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ~~((alterations))~~ impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the ~~((altered))~~ wetland or wetland buffer; and

G. Mitigation of ~~((an alteration to a buffer of a))~~ wetland buffers ~~((that occurs along an aquatic area))~~ in a lake shoreline ~~((in accordance with an allowed alteration under this chapter))~~ shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ~~((categorized or "))~~typed(~~("as follows"))~~ using the water typing system in WAC 222-16-030 and the following criteria:

1. Type S ~~((waters include))~~ means all aquatic areas, within their bankfull width, inventoried as ~~(("))~~shorelines of the state~~(("))~~ under King County's ~~((S))~~shoreline ~~((M))~~master ~~((P))~~program;~~((K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW))~~ including periodically inundated areas of their associated wetlands;

2. Type F ~~((waters include all))~~ means segments of aquatic areas ~~((that are not))~~ other than type S ~~((waters))~~, which are within the bankfull widths of defined channels and

3934 periodically inundated areas of their associated wetlands, or within lakes, ponds, or
3935 impoundments having a surface area of one-half acre or greater at seasonal low water and
3936 that contain fish or fish habitat ((-including)) or are described by one of the following
3937 categories:

3938 a. waters diverted for domestic use by more than ten residential or camping
3939 units or by a public accommodation facility licensed to serve more than ten persons,
3940 where such diversion is determined by the department to be a valid appropriation of water
3941 and the only practical water source for such users. Such waters shall be considered to be
3942 Type F upstream from the point of such diversion for one-thousand-five-hundred feet or
3943 until the drainage area is reduced by fifty percent, whichever is less;

3944 b. waters diverted for use by a federal, state, ((or)) tribal, or private fish
3945 hatchery from the point of diversion for one((-) thousand((-) five((-) hundred feet or
3946 the entire tributary if the tributary is highly significant for protection of downstream
3947 water quality;

3948 c. waters within a federal, state, local, or private campground having more than
3949 ten camping units. Water is considered to enter a campground when it reaches the
3950 boundary of the park lands available for public use and comes within one-hundred feet
3951 from a camping unit, trail, or other park improvement; or

3952 d. riverine ponds, wall-based channels, and other channel features that are used
3953 by fish for off-channel habitat. These habitats are identified by their connection to a fish
3954 habitat stream and accessible during some period of the year and accessible to fish.

3955 3. Type N (~~((waters include))~~) means all segments of aquatic areas that are not
3956 type S or F (~~((waters))~~) and that are physically connected to type S or F (~~((waters))~~) by (~~((an~~
3957 ~~above-ground))~~) a channel or piped system, stream, or wetland; and

3958 4. Type O (~~((waters include))~~) means all segments of aquatic areas that are not
3959 type S, F, or N (~~((waters))~~) and that are not physically connected to type S, F, or N
3960 (~~((waters))~~) by a (~~((n above-ground))~~) channel or piped system, (~~((pipe or culvert,))~~) stream, or
3961 wetland, and which infiltrates water into the ground.

3962 B. For the purposes of (~~((the water))~~) aquatic area types in subsection A. of this
3963 section(~~((, an above-ground))~~):

3964 1. A channel system is (~~((considered to be))~~) present if the (~~((one hundred year))~~)
3965 floodplains of both the contributing and receiving waters are connected; and

3966 2. Fish habitat may be classified by:

3967 a. the presence of fish;

3968 b. a stream segment, that is perennial or ephemeral, with a defined channel of
3969 two feet or greater bank full width and a gradient less than twenty percent; or

3970 c. any stream located within the floodplain of type S or F water.

3971 (~~((C. The department may determine that an area upstream of a legal human-made~~
3972 ~~barrier is not fish habitat considering the following factors:~~

3973 1. ~~The human-made barrier is located beneath public infrastructure that is~~
3974 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~
3975 ~~public infrastructure;~~

2. ~~The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~

3. ~~The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~

4. ~~The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.))~~

SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows:

A. ~~((Aquatic area buffers))~~ Riparian areas shall ~~((be measured as follows))~~:

1. ~~((From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;~~

2. ~~If))~~ Where the adjacent aquatic area is ((located within)) in a mapped severe channel migration hazard area((, the aquatic area buffer width shall be the greater of the aquatic area buffer width as measured consistent with subsection A.1. of this section or)):

- a. include the severe channel migration hazard area; and
 - b. extend from the outer edge of the severe channel migration hazard area;
2. Where the adjacent aquatic area is not in a mapped severe channel migration hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; and

3. ~~((If the aquatic area buffer includes a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~

3999 ~~this section or the top of the hazard area))~~ Extend in all directions from the point at which
4000 the adjacent aquatic area enters or exits an underground conveyance system.

4001 B.1. ~~((Within the Urban Growth Area, aquatic area buffers))~~ Riparian area widths
4002 shall be as follows:

- 4003 ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~
4004 ~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~
4005 ~~on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~
4006 ~~3. A type N aquatic area buffer is sixty five feet; and~~
4007 ~~4. A type O aquatic area buffer is twenty five feet.))~~

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F outside the Urban Growth Area</u>	<u>200 feet</u>
<u>S or F in the Urban Growth Area</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

4008 2. If the riparian area is in a steep slope hazard area or a landslide hazard area,
4009 the riparian area width is the greater of:

- 4010 a. the riparian area width as described in this section; or
4011 b. the extent of the landslide or steep slope hazard area upslope up to a
4012 maximum total width of twice the riparian area width, as measured perpendicular to the
4013 topographic contours;

4014 3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the
4015 greater of:

- 4016 a. the riparian area width as described in this section; or

4017 b. the extent of the alluvial fan hazard area.

4018 C. ~~((Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~

4019 1. ~~A type S or F aquatic area buffer is one hundred sixty five feet;~~

4020 2. ~~A type N aquatic area buffer is sixty five feet; and~~

4021 3. ~~A type O aquatic area buffer is twenty five feet.~~

4022 D. ~~Within the Bear Creek drainage basin a type N aquatic area buffer in a~~

4023 ~~designated regionally significant resource area is one hundred feet.~~

4024 E. ~~The department may approve a modification of buffer widths if))~~ Riparian area

4025 width averaging may be allowed if an ecological critical area report demonstrates:

4026 1. ~~((a. The department determines that through buffer averaging the ecological~~

4027 ~~structure and function of the resulting buffer is equivalent to or greater than the structure~~

4028 ~~and function before averaging and meets the following standards:~~

4029 (1) ~~the total area of the buffer is not reduced;~~

4030 (2) ~~the buffer area is contiguous; and~~

4031 (3) ~~averaging does not result in the reduction of the minimum buffer for the~~

4032 ~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~

4033 ~~migration hazard area;~~

4034 b. ~~the applicant demonstrates that the buffer cannot provide certain functions~~

4035 ~~because of soils, geology or topography, in which case the department shall establish a~~

4036 ~~buffer's width that protects the remaining ecological functions that the buffer can provide;~~

4037 e. ~~the site is zoned RA and is subject to an approved rural stewardship plan. In~~

4038 ~~modifying the buffers, the department shall consider factors such as, the basin and~~

4039 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~
4040 ~~condition and the amount of clearing;~~

4041 ~~d. a legally established roadway transects an aquatic area buffer, the roadway~~
4042 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~
4043 ~~the other side of the roadway provides insignificant biological or hydrological function in~~
4044 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

4045 ~~e. the aquatic area is created or its type is changed as a result of enhancement~~
4046 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~
4047 ~~and~~

4048 ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~
4049 ~~shoreline ecological functions will result when considering projects that combine reduced~~
4050 ~~buffers and habitat restoration.)) The total area of the riparian area after averaging is~~
4051 ~~equal to or greater than the total area of the riparian area before averaging;~~

4052 2. The additional riparian area is contiguous with the standard riparian area;

4053 3. The riparian area at its narrowest point is no less than seventy-five percent of
4054 the standard width;

4055 4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological
4056 functions and values shall occur as a result of the averaging. Revegetation consistent
4057 with section 63 of this ordinance shall be installed in the riparian area where native
4058 vegetation does not currently exist;

4059 5. The width of the riparian area is increased adjacent to the higher functioning
4060 habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower
4061 functioning or less sensitive portion;

4062 6. Where the riparian area includes a steep slope, landslide, or alluvial fan
4063 hazard area, the width of the riparian area is not reduced waterward of the hazard areas;
4064 and

4065 7. Riparian area averaging is not combined with any other riparian area width
4066 modifications.

4067 SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C.
4068 21A.24.365 are hereby amended to read as follows:

4069 The following development standards apply to development proposals and
4070 alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

4071 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4072 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~
4073 ~~area buffers))~~ riparian areas;

4074 B. Clearing, ~~((G))~~grading ~~((for allowed alterations in aquatic area buffers is))~~,
4075 and other site disturbances are only allowed from May 1 to October 1. ~~((This))~~ The
4076 period may be modified or restricted when the department determines it is necessary
4077 along ~~((marine shorelines))~~ aquatic areas to protect critical forage fish and salmonid
4078 migration, ~~((or))~~ as provided in K.C.C. 16.82.095, or as required by a state or federal
4079 permit;

4080 C. The moisture-holding capacity of the topsoil layer on all areas of the site not
4081 covered by impervious surfaces should be maintained by:

- 4082 1. Minimizing soil compaction, or
- 4083 2. Reestablishing natural soil structure and the capacity to infiltrate;

4084 D. New structures within a ~~((n-aquatic-area-buffer))~~ riparian area should be sited
4085 to avoid the creation of future hazard trees and to minimize the impact on groundwater
4086 movement; ~~((and))~~

4087 E. To the maximum extent practical:

4088 1. The soil duff layer should not be disturbed, but if disturbed, should be
4089 redistributed to other areas of the project site where feasible;

4090 2. A spatial connection should be provided between vegetation within and
4091 outside the ~~((aquatic-area-buffer))~~ riparian area to prevent creation of wind throw hazards;
4092 and

4093 3. Hazard trees ~~((should be retained))~~ approved for removal in ~~((aquatic-area~~
4094 ~~buffers))~~ riparian areas ~~((and))~~ should be either topped or pushed over toward the aquatic
4095 area, and not removed from the riparian area; ~~((and))~~

4096 F. A project may include climate-adaptive plants, but shall not otherwise
4097 introduce any plant or wildlife that is not indigenous to the Puget Sound region into an
4098 aquatic area or riparian area unless authorized by state or federal approval; and

4099 G. If a ~~((restoration, enhancement or mitigation))~~ project ~~((proposes to place))~~
4100 includes large wood ~~((woody debris))~~ waterward of the ordinary high water mark of a
4101 ~~((F))~~ type S aquatic area, the applicant shall ~~((consider))~~ minimize the potential for
4102 recreational hazards in project design.

4103 SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C.
4104 21A.24.380 are hereby amended to read as follows:

4105 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~
4106 ~~21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate for the~~

4107 ~~adverse impacts associated with an alteration to~~) in an aquatic area or ~~((aquatic area~~
4108 ~~buffer))~~ riparian area:

4109 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or
4110 better aquatic or riparian area functions than prealteration conditions, including, but not
4111 limited to:

4112 1. Habitat complexity, connectivity, and other biological and ecological
4113 functions;

4114 2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~
4115 ~~quality))~~; ~~((and))~~

4116 3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature
4117 control, pollution removal, water purification, and other water quality functions; and

4118 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural
4119 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial
4120 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat
4121 processes and functions;

4122 B. ~~((To the maximum extent practical, permanent alterations that require~~
4123 ~~restoration or enhancement of the altered aquatic area, aquatic area buffer or another~~
4124 ~~aquatic area or aquatic area buffer must consider))~~ The mitigation plan shall address the
4125 following design factors, as applicable ~~((to the function being mitigated))~~:

4126 1. The natural channel or shoreline reach dimensions including its depth, width,
4127 length, and gradient;

4128 2. The horizontal alignment and sinuosity;

4129 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical
4130 or similar substrate and similar erosion and sediment transport dynamics;

4131 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;
4132 ~~((and))~~

4133 5. ~~((Similar))~~ Native vegetation or climate-adaptive plant species diversity, size,
4134 and densities ((in the channel, sea bed or lake bottom and on the)) comparable to a nearby
4135 relatively undisturbed riparian ((bank or buffer)) area with similar configuration, spatial
4136 arrangement, and solar aspect;

4137 6. Similar slope and elevation; and

4138 7. Similar soil conditions, including moisture, saturation, and organic content;

4139 C. Mitigation ~~((to compensate))~~ for ~~((adverse impacts))~~ aquatic areas shall meet
4140 the following standards:

4141 1. Mitigation shall ((N))not be located upstream of a barrier to fish passage;

4142 2. ~~((Is equal or greater in biological function; and~~

4143 ~~3.))~~ To the maximum extent practical ~~((is)),~~ mitigation shall be located on the
4144 development proposal site ((of the alteration)) or within one-half mile of the site and in
4145 the same aquatic area reach ~~((at a 1:1 ratio of area of mitigation to area of alteration; or~~

4146 ~~4. Is)).~~ If mitigation cannot be located on the site or within one-half mile of the
4147 site, it shall be located in the same ((aquatic area)) drainage subbasin or marine shoreline
4148 ~~((and attains the following ratios of area of functional mitigation to area of alteration:~~

4149 a. ~~a 3:1 ratio for a type S or F aquatic area; and~~

4150 b. ~~a 2:1 ratio for a type N or O aquatic area)); and~~

4151 3. Mitigation ratios for aquatic areas are as follows:

<u>Aquatic Area and Location</u>	<u>Mitigation Location</u>	<u>Mitigation Ratio (mitigation area to impact area)</u>
<u>All aquatic areas</u>	<u>On the development proposal site</u>	<u>2:1</u>
<u>All aquatic areas</u>	<u>Within 1/2 mile of the development proposal site and in the same aquatic reach</u>	<u>2:1</u>
<u>Type S or F</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>3:1</u>
<u>Type N or O</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>2:1</u>

4152 D. For purposes of subsection C. of this section, ((a)) mitigation ((measure)) is in
4153 the same aquatic area reach if the length of aquatic area ((shoreline)) or riparian area
4154 meets the following criteria:

- 4155 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;
- 4156 2. Similar processes including erosion and transport of sediment and ((woody
4157 debris)) large wood;
- 4158 3. ((Equivalent)) Equal or better biological conditions, including presence of
4159 and habitat for invertebrates, fish, wildlife, and vegetation; and
- 4160 4. ((Equivalent)) Equal or better biological functions, including fish and wildlife
4161 mating, reproduction, rearing, migration, and refuge; ((or)) and

4162 5. For tributary streams, a distance of no more than one-half mile from the main
4163 stem;

4164 E. ~~((The department may reduce the mitigation ratios in subsection C. of this~~
4165 ~~section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic~~
4166 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~
4167 ~~includes the following elements:~~

4168 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~
4169 ~~performance standards identified by the department;~~

4170 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~
4171 ~~and~~

4172 3. ~~Experienced, qualified staff to perform the monitoring;))~~ For riparian areas,
4173 on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation
4174 shall consist of restoration or creation, including through revegetation with native
4175 vegetation or climate-adaptive plants and removing invasive species, or both.

4176 1. Standard on-site mitigation ratios for riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>On-site Mitigation Ratio (mitigation area to impact area)</u>
<u>Shoreline (S)</u>	<u>3:1</u>
<u>Fish bearing (F)</u>	<u>3:1</u>
<u>Non-fish bearing (N)</u>	<u>3:1</u>
<u>Other (O)</u>	<u>2:1</u>

4177 2. The department may approve alternative on-site mitigation ratios for riparian
4178 areas, if the alternative mitigation provides equal or better ecological function than the

4179 standard mitigation requirements. Alternative mitigation is based on the type of existing
 4180 vegetation impacted, as follows:

<u>Adjacent Aquatic Area</u> <u>Type</u>	<u>Impacts to Woody</u> <u>Vegetation (Trees and</u> <u>Shrubs)</u>	<u>Impacts to Non-Woody</u> <u>Vegetation or</u> <u>Unvegetated Areas</u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one</u>	<u>1.5:1 ratio with at least one</u>
<u>Fish bearing (F)</u>	<u>primary action or three</u>	<u>primary action or two</u>
<u>Non-fish bearing (N)</u>	<u>secondary actions</u>	<u>secondary actions</u>
<u>Other (O)</u>	<u>1.5:1 ratio with at least one</u>	<u>1:1 ratio with at least one</u>
	<u>primary action or two</u>	<u>primary or secondary</u>
	<u>secondary actions</u>	<u>action</u>

- 4181 a. Primary actions include:
- 4182 (1) placing large wood in adjacent aquatic areas, when not installed for
 4183 shoreline stabilization or flood protection facilities;
- 4184 (2) removing a fish passage barrier, if not required by the development
 4185 permit;
- 4186 (3) removing an aquatic area transportation crossing, such as a road, bridge,
 4187 or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate.
- 4188 Utility-only crossings are not included under this action;
- 4189 (4) removing shoreline armoring, revetments, or levees; or
 4190 (5) other similar actions as determined by the department.
- 4191 b. Secondary actions include:

- 4192 (1) adding area contiguous to the existing riparian area at a ratio of 0.5:1
 4193 where otherwise not required. If the area of addition does not have an equal ecological
 4194 function to the impact area, the area shall be revegetated with native vegetation or
 4195 climate-adaptive plants;
- 4196 (2) placing large wood in riparian areas or an adjacent floodplain;
 4197 (3) installing wildlife snags or similar wildlife nesting or rearing habitat;
 4198 (4) removing floodplain fill and replanting with native vegetation or climate-
 4199 adaptive plants as appropriate; or
- 4200 (5) removing a fish passage barrier if required by a development permit;
 4201 (6) other similar actions as approved by the department;

4202 F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be
 4203 allowed if the mitigation is unable to be located on or within one-half mile of the site.
 4204 Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve,
 4205 or conservation easement if on private property.

4206 2. Off-site compensatory mitigation ratios riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>Off-Site Compensatory Mitigation</u> <u>Ratio</u>
<u>Shoreline (S)</u>	<u>4:1</u>
<u>Fish bearing (F)</u>	<u>4:1</u>
<u>Non-fish bearing (N)</u>	<u>4:1</u>
<u>Other (O)</u>	<u>3:1</u>

4207 G. For rectifying an illegal alteration to ((~~any type of~~)) an aquatic area or ((its
 4208 buffer)) riparian area, mitigation ((~~measures must meet the following standards:~~

4209 ~~1-)) shall be ((1-))~~located on the site of the illegal alteration, at a ~~((1-1))~~
4210 compensatory mitigation ratio of ~~((area of mitigation to area of alteration and~~
4211 ~~2. To the maximum extent practical,))~~ of 3:1, replicate~~((s))~~ the natural
4212 prealteration configuration at its natural prealteration location including the factors in
4213 subsection B. of this section~~((; and~~
4214 ~~G. The department may modify the requirements in this section if the applicant~~
4215 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~
4216 ~~obtained in the affected hydrologic unit that the department may determine to be the~~
4217 ~~drainage subbasin through alternative mitigation measures.~~
4218 ~~H. For temporary alterations to an aquatic area or its buffer that is predominately~~
4219 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~
4220 ~~altered aquatic area or buffer))~~ to the maximum extent practical.
4221 SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C.
4222 21A.24.382 are hereby amended to read as follows:
4223 The following development standards apply to development proposals and
4224 alterations on sites containing wildlife habitat conservation areas:
4225 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4226 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat
4227 conservation area;
4228 B. For a bald eagle:
4229 1. The wildlife habitat conservation area is ~~((an area with))~~ a four-hundred-foot
4230 radius from an active nest;

4231 2. Between March 15 and April 30, alterations are not allowed within eight
4232 hundred feet of the nest; and

4233 ((2)) 3. Between January 1 and August 31, land clearing machinery, such as
4234 bulldozers, graders, or other heavy equipment, ~~((may))~~ shall not be operated within eight
4235 hundred feet of the nest;

4236 C. For a great blue heron:

4237 1. The wildlife habitat conservation area is ~~((an area with))~~ an eight-hundred-
4238 twenty-foot radius from the rookery. The department may increase the radius up to an
4239 additional one-hundred sixty-four feet if the department determines that the population of
4240 the rookery is declining; and

4241 2. Between January 1 and July 31, clearing or grading are not allowed within
4242 nine-hundred-twenty-four feet of the rookery;

4243 D. For a marbled murrelet, the wildlife habitat conservation area is ~~((an area~~
4244 ~~with))~~ a one-half-mile radius around an active nest;

4245 E. For a northern goshawk, the wildlife habitat conservation area ~~((is an area))~~
4246 with a one-thousand-five-hundred-foot radius around an active nest located outside of the
4247 ~~((u))~~Urbain ~~((g))~~Growth ~~((a))~~Area;

4248 F. For an osprey:

4249 1. The wildlife habitat conservation area is ~~((an area with))~~ a two-hundred-
4250 thirty-foot radius around an active nest; and

4251 2. Between April 1 and September 30, alterations are not allowed within six-
4252 hundred-sixty feet of the nest;

4253 G. For a peregrine falcon:

4254 1. The wildlife habitat conservation area is an area extending for a distance of
4255 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the
4256 rim of the cliff, and the area immediately below the cliff;

4257 2. Between March 1 and June 30, land-clearing activities that result in loud
4258 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within
4259 one-half mile of the eyrie; and

4260 3. New power lines ~~((may))~~ shall not be constructed within one-thousand feet of
4261 the eyrie;

4262 H. For a spotted owl, the wildlife habitat conservation area is ~~((an area with))~~ a
4263 three-thousand-seven-hundred-foot radius from an active nest;

4264 I. For a Townsend's big-eared bat:

4265 1. Between June 1 and October 1, the wildlife habitat conservation area is ~~((an~~
4266 ~~area with))~~ a four-hundred-fifty-foot radius from the entrance to a cave or mine, located
4267 outside of the urban area, with an active nursery colony;

4268 2. Between November 1 and March 31, the wildlife habitat conservation area is
4269 ~~((an area with))~~ a four-hundred-fifty-foot radius around the entrance to a cave or mine
4270 located outside the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area serving as a winter hibernacula;

4271 3. Between March 1 and November 30, a building, bridge, tunnel, or other
4272 structure used solely for day or night roosting ~~((may))~~ shall not be altered or destroyed;

4273 4. Between May 1 and September 15, the entrance into a cave or mine that is
4274 protected because of bat presence ~~((is))~~ shall be protected from human entry; and

4275 5. A gate across the entrance to a cave or mine that is protected because of bat
4276 presence ~~((must))~~ shall be designed to allow bats to enter and exit the cave or mine;

4277 J. For a Vaux's swift:

4278 1. The wildlife habitat conservation area is ~~((an area with))~~ a three-hundred-foot

4279 radius around an active nest located outside of the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Areas;

4280 2. Between April 1 and October 31, clearing, grading, or outdoor construction is

4281 not allowed within four hundred feet of an active or potential nest tree. The applicant

4282 may use a species survey to demonstrate that the potential nest tree does not contain an

4283 active nest;

4284 K. The department shall require protection of an active breeding site of any

4285 federal or state listed endangered, threatened, sensitive, and candidate species or King

4286 County species of local importance ~~((not listed in subsections B. through J. of this~~

4287 ~~section))~~. If the Washington state Department of Fish and Wildlife has adopted

4288 management recommendations for a species covered by this subsection, the department

4289 shall follow those management recommendations. If management recommendations

4290 have not been adopted, the department shall base protection decisions on best available

4291 science.

4292 SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C.

4293 21A.24.385 are hereby amended to read as follows:

4294 A. ~~((The department shall make certain that s))~~Segments of the wildlife habitat

4295 network ~~((are))~~ shall be set aside and protected along the designated wildlife habitat

4296 network adopted by the ~~((King County))~~ Comprehensive Plan ~~((as follows:))~~.

4297 ~~((A-))~~ This section applies to the following development proposals on parcels that

4298 include a segment of the designated wildlife habitat network:

4299 1. All ~~((urban planned developments, fully contained communities,))~~ binding
4300 site plans, subdivisions, and short subdivisions; and

4301 2. All development proposals on individual lots unless a segment of the wildlife
4302 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,
4303 easement, or setback area, and a notice of the existence of the segment has been recorded;

4304 B. Segments of the wildlife habitat network ~~((must))~~ shall be identified and
4305 protected in one of the following ways:

4306 1. In ~~((urban planned developments, fully contained communities,))~~ binding site
4307 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous
4308 permanent open((-))_space tract with all developable lots sited on the remaining portion
4309 of the ~~((project))~~ development proposal site, or the lots are designed so that required
4310 setback areas can form a contiguous setback covering the network segments; or

4311 2. For individual lots, the network is placed in a county-approved setback area.
4312 To the maximum extent practical, existing native vegetation is included in the network.
4313 The notice required by K.C.C. ~~((21A.27.170))~~ 21A.24.170 is required; and

4314 C. All wildlife habitat network tracts or setback areas ~~((must))~~ shall meet the
4315 design standards in K.C.C. 21A.24.386.

4316 SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C.
4317 21A.24.386 are hereby amended to read as follows:

4318 The following standards apply to development proposals and alterations on sites
4319 containing wildlife habitat network:

4320 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4321 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

4322 B. The wildlife habitat network is sited to meet the following conditions:

4323 1. The network forms one contiguous tract or setback area that enters and exits

4324 the property where the network crosses the property boundary;

4325 2. To the maximum extent practical, the network maintains a width of three-

4326 hundred feet. The network width shall not be less than one-hundred-fifty feet at any

4327 point; and

4328 3. The network is contiguous with and includes critical areas and their buffers;

4329 4. To the maximum extent practical, the network connects isolated critical areas

4330 or habitat; and

4331 5. To the maximum extent practical, the network connects with wildlife habitat

4332 network segments, open space tracts, or wooded areas on adjacent properties, if present;

4333 C. The wildlife habitat network tract (~~((must))~~) shall be permanently marked in

4334 accordance with this chapter;

4335 D. An applicant proposing recreation, forestry, or any other use compatible with

4336 preserving and enhancing the habitat value of the wildlife habitat network located within

4337 the site (~~((must))~~) shall have an approved management plan. The applicant shall include

4338 and record the approved management plan for a binding site plan or subdivision with the

4339 covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife

4340 habitat network in a tract or tracts is limited to that allowed by an approved management

4341 plan;

4342 E. If the wildlife habitat network is contained in a setback area, a management

4343 plan is not required. Clearing is not allowed within a wildlife habitat network within a

setback area on individual lots, unless the property owner has an approved management plan;

F. In ~~((urban planned developments, fully contained communities,))~~ binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate))~~ for ~~((the adverse impacts associated with))~~ wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to))~~ a wildlife habitat conservation area ~~((must))~~ shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site

4367 mitigation is limited to sites that will enhance the ~~((wildlife))~~ habitat ~~((conservation area))~~
4368 of the species impacted;

4369 B. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to the))~~ a wildlife
4370 habitat network ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or better biological
4371 functions, including, but not limited to, habitat complexity and connectivity functions.
4372 Specific mitigation requirements for impacts to the wildlife habitat network shall:

4373 1. Expand or enhance the wildlife network as close to the location of impact as
4374 feasible; and

4375 2. Attain the following ratios of area of mitigation to area of alteration:

4376 a. for mitigation on site:

4377 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4378 and

4379 (2) 1.5:1 ratio for enhancement or restoration; and

4380 b. for mitigation off-site:

4381 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4382 and

4383 (2) 3:1 ratio for enhancement or restoration;

4384 C. For temporary ~~((alterations))~~ impacts, the department may require
4385 ~~((rectification))~~ rehabilitation, restoration, or enhancement of the altered wildlife habitat
4386 network;

4387 D. The department may increase the width of the wildlife habitat network to
4388 mitigate for risks to habitat functions;

4389 E. To the maximum extent practical, mitigation projects involving wildlife
4390 habitat network restoration should provide replication of the site's prealteration natural
4391 environment including:

- 4392 1. Soil type, conditions, and physical features;
- 4393 2. Vegetation diversity and density; and
- 4394 3. Biological and habitat functions; and

4395 F. The department may modify the requirements in this section if the applicant
4396 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife
4397 habitat conservation area or wildlife habitat network through alternative mitigation
4398 measures.

4399 NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter
4400 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

4401 Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and
4402 K.C.C. Title 23.

4403 SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C.
4404 21A.25.100 are hereby amended to read as follows:

4405 A. The shoreline use table in this section determines whether a specific use is
4406 allowed within each of the shoreline environments. The shoreline environment is located
4407 on the vertical column and the specific use is located on the horizontal row of the table.
4408 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The
4409 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be
4410 interpreted as follows:

4411 1. If the cell is blank in the box at the intersection of the column and the row,
4412 the use is prohibited in that shoreline environment;

4413 2. If the letter "P" appears in the box at the intersection of the column and the
4414 row, the use may be allowed within the shoreline environment;

4415 3. If the letter "C" appears in the box at the intersection of the column and the
4416 row, the use may be allowed within the shoreline environment subject to the shoreline
4417 conditional use review procedures specified in K.C.C. 21A.44.100;

4418 4. If a number appears in the box at the intersection of the column and the row,
4419 the use may be allowed subject to the appropriate review process in this section, the
4420 general requirements of this chapter and the specific development conditions indicated
4421 with the corresponding number in subsection C. of this section. If more than one number
4422 appears after a letter, all numbers apply;

4423 5. If more than one letter-number combination appears in the box at the
4424 intersection of the column and the row, the use is allowed in accordance with each letter-
4425 number combination;

4426 6. A shoreline use may be allowed in the aquatic environment only if that
4427 shoreline use is allowed in the adjacent shoreland environment; and

4428 7. This section does not authorize a land use that is not allowed by the
4429 underlying zoning, but may add additional restrictions or conditions or prohibit specific
4430 land uses within the shoreline jurisdiction. When there is a conflict between the allowed
4431 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for
4432 shoreline uses shall first be given to water-dependent uses, then to water related uses, and
4433 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with

4434 all relevant county code provisions and with the King County ((S))shoreline ((M))master

4435 ((P))program.

4436 B. Shoreline uses.

	High Intensi ty	Resident ial	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aqua tic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-		C2	C2	C2				C2

salmonid finfish net pens								
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except automotive parking, and off-	P6							

street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.055)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							

In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.055)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation facilities								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								

Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C. 21A.08.030), adult family homes and community residential facility I (K.C.C. 21A.08.045)		P	P	P	P	C22	C22	
Houseplex, townhouse, apartment,	P23	P			P			

manufactured home community, cottage housing (K.C.C. 21A.08.030)								
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.045)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation	P29	P29	P29	C29	P29	P29	C29	C29

facilities								
Commuter parking lot (K.C.C. 21A.08.055)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.055)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal	P30							

water production (K.C.C. 21A.08.100)								
--	--	--	--	--	--	--	--	--

4437 C. Development conditions:

4438 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,
4439 such as livestock use with an animal unit density of no more than one per two acres in the
4440 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to
4441 exceed twenty percent of the site area located within the shoreline jurisdiction.

4442 2.a. The supporting infrastructure for aquaculture may be located landward of
4443 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

4444 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

4445 c. In aquatic areas adjacent to the residential shoreline environment, net pen
4446 facilities shall be located no closer than one thousand five hundred feet from the ordinary
4447 high water mark of this environment, unless the department allows a specific lesser
4448 distance that it determines is appropriate based upon a visual impact analysis. Other
4449 types of floating culture facilities may be located within one thousand five hundred feet
4450 of the ordinary high water mark if supported by a visual impact analysis.

4451 d. In aquatic areas adjacent to the rural shoreline environment, net pen
4452 facilities shall be located no closer than one thousand five hundred feet from the ordinary
4453 high water mark of this environment, unless the department allows a specific lesser
4454 distance that it determines is appropriate based upon a visual impact analysis.

4455 e. In the natural shoreline environment and aquatic areas adjacent to the natural
4456 shoreline environment, commercial net pens are prohibited, and other aquaculture

4457 activities are limited to activities that do not require structures, facilities, or mechanized
4458 harvest practices and that will not alter the natural systems, features, or character of the
4459 site.

4460 f. Farm-raised geoduck aquaculture requires a shoreline substantial
4461 development permit if a specific project or practice causes substantial interference with
4462 normal public use of the surface waters.

4463 g. A conditional use permit is required for new commercial geoduck
4464 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
4465 planting and harvest shall not require a new conditional permit.

4466 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,
4467 from Piner Point to Point Robinson.

4468 b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4469 4. Water-dependent personal services land uses in K.C.C. 21A.08.050 are
4470 allowed. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only
4471 allowed on sites that are not contiguous with the ordinary high water mark or on sites that
4472 do not have an easement that provides direct access to the water.

4473 5.a. Water-dependent personal services land uses in K.C.C. 21A.08.050 are
4474 allowed.

4475 b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are
4476 only allowed as part of a shoreline mixed-use development that includes water-dependent
4477 uses.

4478 c. Nonwater-oriented personal services land uses shall provide a ~~((significant))~~
4479 public benefit by ~~((helping to achieve))~~ achieving one or more of the following shoreline
4480 master program goals:

- 4481 (1) economic development for water-dependent uses;
- 4482 (2) public access;
- 4483 (3) water-oriented recreation;
- 4484 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
4485 habitat; ~~((and))~~ or
- 4486 (5) protection and restoration of historic properties.

4487 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
4488 Water-related business service~~((s))~~ uses are only allowed as part of a shoreline mixed-use
4489 development and only if they support a water-dependent use. The water-related business
4490 service~~((s))~~ uses shall comprise less than one-half of the square footage of the structures
4491 or the portion of the site within the shoreline jurisdiction.

4492 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

4493 b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
4494 part of a shoreline mixed-use development if the nonwater-dependent retail use supports
4495 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the
4496 square footage of the structures or the portion of the site within the shoreline jurisdiction.

4497 c. Nonwater-oriented retail uses shall provide a significant public benefit by
4498 helping to achieve one or more of the following shoreline master program goals:

- 4499 (1) economic development for water-dependent uses;
- 4500 (2) public access;

4501 (3) water-oriented recreation;

4502 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

4503 habitat; and

4504 (5) protection and restoration of historic properties.

4505 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-

4506 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a

4507 significant public benefit by helping to achieve one or more of the following shoreline

4508 master program goals:

4509 a. economic development for water-dependent uses;

4510 b. public access;

4511 c. water-oriented recreation;

4512 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

4513 habitat; and

4514 e. protection and restoration of historic properties.

4515 9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

4516 b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only

4517 allowed as part of a shoreline mixed-use development if the nonwater-dependent

4518 government use supports a water-dependent use. Nonwater-dependent uses shall

4519 comprise less than one-half of the square footage of the structures or the portion of the

4520 site within the shoreline jurisdiction. Only low-intensity water-dependent government

4521 services are allowed in the ~~((N))~~natural environment.

4522 10. The following standards apply to government services uses within the

4523 ~~((A))~~aquatic environment:

4524 a. Stormwater and sewage outfalls are allowed if upland treatment and
4525 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on
4526 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,
4527 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
4528 except from Piner Point to Point Robinson;

4529 b. Water intakes shall not be located near fish spawning, migratory, or rearing
4530 areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife
4531 fish screening criteria. To the maximum extent practical, intakes should be placed at
4532 least thirty feet below the ordinary high water mark;

4533 c. Desalinization facilities shall not be located near fish spawning, migratory,
4534 or rearing areas. Intakes should generally be placed deeper than thirty feet below the
4535 ordinary high water mark and shall adhere to Washington state Department Fish and
4536 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
4537 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner
4538 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
4539 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

4540 d. Cable crossings for telecommunications and power lines shall:

4541 (1) be routed around or drilled below aquatic critical habitat or species;

4542 (2) be installed in sites free of vegetation, as determined by physical or video
4543 seabed survey;

4544 (3) be buried, preferably using directional drilling, from the uplands to
4545 waterward of the deepest documented occurrence of native aquatic vegetation; and

4546 (4) use the best available technology;

4547 e. Oil, gas, water, and other pipelines shall meet the same standards as cable
4548 crossings and in addition:

4549 (1) pipelines shall be directionally drilled to depths of seventy feet or one half
4550 mile from the ordinary high water mark; and

4551 (2) use the best available technology for operation and maintenance;

4552 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or
4553 within the ~~((A))~~ aquatic environment adjacent to the ~~((C))~~ conservancy and ~~((N))~~ natural
4554 shorelines.

4555 11. In the ~~((N))~~ natural shoreline environment, limited to low intensity forest
4556 practices that conserve or enhance the health and diversity of the forest ecosystem or
4557 ecological and hydrologic functions conducted for the purpose of accomplishing specific
4558 ecological enhancement objectives. In all shoreline environments, forest practices shall
4559 meet the standards in K.C.C. 21A.25.130.

4560 12. Manufacturing uses in the shoreline environment shall give preference first
4561 to water-dependent manufacturing uses and second to water-related manufacturing uses:

4562 a. ~~((N))~~ nonwater-oriented manufacturing uses are allowed only:

4563 (1) as part of a shoreline mixed-use development that includes a water-
4564 dependent use, but only if the water-dependent use comprises over fifty percent of the
4565 floor area or portion of the site within the shoreline jurisdiction;

4566 (2) on sites where navigability is severely limited; or

4567 (3) on sites that are not contiguous with the ordinary high water mark or on
4568 sites that do not have an easement that provides direct access to the water; and

4569 (4) all nonwater-oriented manufacturing uses shall also provide a significant
4570 public benefit, such as ecological restoration, environmental clean-up, historic
4571 preservation, or water-dependent public education;

4572 b. public access is required for all manufacturing uses unless it would result in
4573 a public safety risk or is incompatible with the use;

4574 c. shall be located, designed, and constructed in a manner that ensures that
4575 there are no significant adverse impacts to other shoreline resources and values;

4576 d. restoration is required for all new manufacturing uses; and

4577 e. boat repair facilities are not allowed within the Maury Island Aquatic
4578 Reserve, except as follows:

4579 (1) engine repair or maintenance conducted within the engine space without
4580 vessel haul-out;

4581 (2) topside cleaning, detailing, and bright work;

4582 (3) electronics servicing and maintenance;

4583 (4) marine sanitation device servicing and maintenance that does not require
4584 haul-out;

4585 (5) vessel rigging; and

4586 (6) minor repairs or modifications to the vessel's superstructure and hull
4587 above the waterline that do not exceed twenty-five percent of the vessel's surface area
4588 above the waterline.

4589 13. The water-dependent in-stream portion of a hydroelectric generation facility,
4590 wastewater treatment facility, and municipal water production are allowed, including the
4591 upland supporting infrastructure, and shall provide for the protection and preservation, of

ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

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

- a. there is no feasible alternate location;
- b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and
- c. the use complies with the standards in K.C.C. 21A.25.260.

15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:

- a. shall meet the standards in K.C.C. chapter 21A.22;
- b. shall be dependent upon a shoreline location;
- c. shall avoid and mitigate ((adverse)) impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological

4615 function. In determining whether there will be no net loss of shoreline ecological
4616 function, the evaluation may be based on the final reclamation required for the site.
4617 Preference shall be given to mining proposals that result in the creation, restoration, or
4618 enhancement of habitat for priority species;

4619 d. shall provide for reclamation of disturbed shoreline areas to achieve
4620 appropriate ecological functions consistent with the setting;

4621 e. may be allowed within the active channel of a river only as follows:

4622 (1) removal of specified quantities of sand and gravel or other materials at
4623 specific locations will not adversely affect the natural processes of gravel transportation
4624 for the river system as a whole;

4625 (2) the mining and any associated ~~((permitted))~~ allowed activities will not
4626 have ~~((significant adverse))~~ impacts to habitat for priority species nor cause a net loss of
4627 ecological functions of the shoreline; and

4628 (3) if no review has been previously conducted under this subsection C.17.e.,
4629 before renewing, extending, or reauthorizing gravel bar and other in-channel mining
4630 operations in locations where they have previously been conducted, the department shall
4631 require compliance with this subsection C.17.e. If there has been prior review, the
4632 department shall review previous determinations comparable to the requirements of this
4633 section C.17.e. to ensure compliance with this subsection under current site conditions;
4634 and

4635 f. shall comply with K.C.C. 21A.25.190.

4636 18. Only water-dependent recreational uses are allowed, except for public parks
4637 and trails, in the ~~((H))~~high ~~((F))~~intensity shoreline environment and shall meet the
4638 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4639 19. Water-dependent and water-enjoyment recreational uses are allowed in the
4640 ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the
4641 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4642 20. In the ~~((C))~~conservancy shoreline environment, only the following
4643 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public
4644 access and K.C.C. 21A.25.150 for recreation:

- 4645 a. parks; and
- 4646 b. trails.

4647 21. In the ~~((N))~~natural shoreline environment, only passive and low-impact
4648 recreational uses are allowed.

4649 22. Single detached residences shall be located outside of the ~~((aquatic area
4650 buffer))~~ riparian area and set back from the ordinary high water mark to the maximum
4651 extent practical.

4652 23. Only allowed as part of a water-dependent shoreline mixed-use development
4653 where water-dependent uses comprise more than half of the square footage of the
4654 structures on the portion of the site within the shoreline jurisdiction.

4655 24. Residential accessory uses shall meet the following standards:

- 4656 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply
4657 with the standards in K.C.C. 21A.25.180;

4658 b. residential accessory structures located within the ((~~aquatic area buffer~~))
4659 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and
4660 c. accessory structures shall be sited to preserve visual access to the shoreline
4661 to the maximum extent practical.

4662 25. New highway and street construction is allowed only if there is no feasible
4663 alternate location. Only low-intensity transportation infrastructure is allowed in the
4664 ((N))natural environment.

4665 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

4666 27. Only bed and breakfast guesthouses.

4667 28. Only in a marina.

4668 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

4669 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4670 SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C.
4671 21A.25.110 are hereby amended to read as follows:

4672 An applicant for an aquaculture facility shall use the sequential measures in
4673 K.C.C. 21A.25.080. The following standards apply to aquaculture:

4674 A. Unless the applicant demonstrates that the substrate modification will result in
4675 an increase in native habitat diversity, aquaculture that involves little or no substrate
4676 modification shall be given preference over aquaculture that involves substantial
4677 substrate modification and the degree of proposed substrate modification shall be limited
4678 to the maximum extent practical.

4679 B. The installation of submerged structures, intertidal structures and floating
4680 structures shall be limited to the maximum extent practical.

4681 C. Aquaculture proposals that involve substantial substrate modification or
4682 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other
4683 similar mechanisms, shall not be allowed in areas where the proposal would adversely
4684 impact critical saltwater or critical freshwater habitats.

4685 D. Aquaculture activities that after implementation of mitigation measures would
4686 have a significant adverse impact on natural, dynamic shoreline processes, or that would
4687 result in a net loss of shoreline ecological functions shall be prohibited.

4688 E. Aquaculture should not be located in areas that will result in significant
4689 conflicts with navigation or other water-dependent uses.

4690 F. Aquaculture facilities shall be designed, located, and managed to prevent the
4691 spread of diseases to native aquatic life or the spread of new nonnative species.

4692 G. Aquaculture practices shall be designed to minimize use of artificial chemical
4693 substances and shall use chemical compounds that are least persistent and have the least
4694 impact on plants and animals. Herbicides and pesticides shall be used only in
4695 conformance with state and federal standards and to the minimum extent needed for the
4696 health of the aquaculture activity.

4697 H. Noncommercial native salmon net pen facilities that involve minimal
4698 supplemental feeding and limited use of chemicals or antibiotics as provided in
4699 subsection G. of this section may be located in King County marine waters if they are
4700 consistent with subsections S. and Y. of this section and are:

- 4701 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;
4702 2. For the limited penned cultivation of wild salmon stocks during a limited
4703 portion of their lifecycle to enhance restoration of native stocks; or

4704 3. For rearing to adulthood in order to harvest eggs as part of a captive brood
4705 stock recovery program for endangered species.

4706 I. If uncertainty exists regarding potential impacts of a proposed aquaculture
4707 activity and for all experimental aquaculture activities, unless otherwise provided for, the
4708 department may require baseline and periodic operational monitoring by a county-
4709 approved consultant, at the applicant's expense, and shall continue until adequate
4710 information is available to determine the success of the project and the magnitude of any
4711 probable ((significant)) adverse environmental impacts. Permits for such activities shall
4712 include specific performance measures and provisions for adjustment or termination of
4713 the project at any time if monitoring indicates ((significant,)) adverse environmental
4714 impacts that cannot be adequately mitigated.

4715 J. Aquaculture developments approved on an experimental basis shall not exceed
4716 five acres in area, except land-based projects and anchorage for floating systems, and
4717 three years in duration. The department may issue a new permit to continue an
4718 experimental project as many times as it determines is necessary and appropriate.

4719 K. The department may require aquaculture operations to carry liability insurance
4720 in an amount commensurate with the risk of injury or damage to any person or property
4721 as a result of the project. Insurance requirements shall not be required to duplicate
4722 requirements of other agencies.

4723 L. If aquaculture activities are authorized to use public facilities, such as boat
4724 launches or docks, King County may require the applicant to pay a portion of the cost of
4725 maintenance and any required improvements commensurate with the use of those
4726 facilities.

4727 M. New aquatic species that are not previously cultivated in Washington state
4728 shall not be introduced into King County saltwaters or freshwaters without prior written
4729 approval of the Director of the Washington state Department of Fish and Wildlife and the
4730 Director of the Washington state Department of Health. This prohibition does not apply
4731 to((÷)) Pacific, Olympia, Kumomoto, Belon₂ or Virginica oysters; Manila, Butter, or
4732 Littleneck clams; or Geoduck clams.

4733 N. Unless otherwise provided in the shoreline permit issued by the department,
4734 repeated introduction of an approved organism after harvest in the same location shall
4735 require approval by the county only at the time the initial aquaculture use permit is
4736 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
4737 organism in any area within the waters of King County regardless of whether it is a native
4738 or resident organism within the county and regardless of whether it is being transferred
4739 from within or without the waters of King County.

4740 O. For aquaculture projects, overwater structures shall be allowed only if
4741 necessary for the immediate and regular operation of the facility. Overwater structures
4742 shall be limited to the storage of necessary tools and apparatus in containers of not more
4743 than three feet in height, as measured from the surface of the raft or dock.

4744 P. Except for the sorting or culling of the cultured organism after harvest and the
4745 washing or removal of surface materials or organisms before or after harvest, no
4746 processing of any aquaculture product shall occur in or over the water unless specifically
4747 approved by permit. All other processing and processing facilities shall be located
4748 landward of the ordinary high water mark.

4749 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict

4750 compliance with all applicable governmental waste disposal standards, including, but not
4751 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
4752 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the
4753 site of any aquaculture operation.

4754 R. Unless approved in writing by the National Marine Fisheries Service or the
4755 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
4756 harassment of birds or mammals. Approved controls include, but are not limited to,
4757 double netting for seals, overhead netting for birds, and three-foot high fencing or netting
4758 for otters. The use of other nonlethal, nonabusive predator control measures shall be
4759 contingent upon receipt of written approval from the National Marine Fisheries Service
4760 or the U.S. Fish and Wildlife Service, as required.

4761 S. Finfish net pens and rafts shall meet the following criteria in addition to the
4762 other applicable regulations of this section:

4763 1. Finfish net pens shall not be located in Quartermaster Harbor. For the
4764 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north
4765 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner
4766 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

4767 2. Finfish net pens shall meet, at a minimum, state approved administrative
4768 guidelines for the management of net pen cultures. In the event there is a conflict in
4769 requirements, the more restrictive requirement shall prevail;

4770 3. Finfish net pens shall not occupy more than two surface acres of water area,
4771 excluding booming and anchoring requirements. Anchors that minimize disturbance to
4772 substrate, such as helical anchors, shall be employed. Such operations shall not use

4773 chemicals or antibiotics;

4774 4. Aquaculture proposals that include new or added net pens or rafts shall not be
4775 located closer than one nautical mile to any other aquaculture facility that includes net
4776 pens or rafts. The department may authorize a lesser distance if the applicant
4777 demonstrates to the satisfaction of the department that the proposal will be consistent
4778 with the environmental and aesthetic policies and objectives of this chapter and the
4779 shoreline master program. The applicant shall demonstrate to the satisfaction of the
4780 department that the cumulative impacts of existing and proposed operations would not be
4781 contrary to the policies and regulations of the program;

4782 5. Net cleaning activities shall be conducted on a frequent enough basis so as
4783 not to violate state water quality standards. When feasible, the cleaning of nets and other
4784 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

4785 6. In the event of a significant fish kill at the site of a net pen facility, the finfish
4786 aquaculture operator shall submit a timely report to public health – Seattle & King
4787 County, environmental health division, and the department of local services, permitting
4788 division, stating the cause of death and shall detail remedial actions to be implemented to
4789 prevent reoccurrence.

4790 T. All floating and submerged aquaculture structures and facilities in navigable
4791 waters shall be marked in accordance with United States Coast Guard requirements.

4792 U. The rights of treaty tribes to aquatic resources within their usual and
4793 accustomed areas shall be addressed through direct coordination between the applicant
4794 and the affected Indian tribes through the permit review process.

4795 V. Aquaculture structures and equipment shall be of sound construction and shall

be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23.

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.

Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:

1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ~~((significant))~~ adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or

4819 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other
4820 adverse effects on native species or threatened or endangered species and their habitats;

4821 3. The department's review shall:

4822 a. include an assessment of the risk to endangered species, non-endangered
4823 species, and other biota that could be affected by the finfish net pen; and

4824 b. evaluate and model water quality impacts utilizing current information,
4825 technology, and assessment models. The project proponent shall be financially
4826 responsible for this water quality assessment;

4827 4. Finfish net pens shall be designed, constructed and maintained to prevent
4828 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,
4829 wind and wave events of record, floating and submerged debris, and tidal action;

4830 5. Finfish net pens shall not be located:

4831 a. within three hundred feet of an area containing eelgrass or a kelp bed;
4832 b. within one thousand five hundred feet of an ordinary high water mark; or
4833 c. in a designated Washington state Department of Natural Resources aquatic
4834 reserve;

4835 6. A finfish net pen may not be used to mitigate the impact of a development
4836 proposal; and

4837 7. For finfish net pens that are not noncommercial native salmon net pens, the
4838 conditional use permit for the net pen shall be renewed every five years. An updated
4839 scientific review shall be conducted as part of the renewal and shall include a new risk
4840 assessment and evaluation of the impact of the operation of the finfish net pen during the
4841 previous five years.

4842 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

4843 SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C.

4844 21A.25.150 are hereby amended to read as follows:

4845 Recreational development (~~((must))~~) shall meet the following standards:

4846 A. The recreational development (~~((must be))~~) is permitted in the underlying zone;

4847 B. Recreational uses in the (~~((N))~~)natural shoreline environment (~~((must))~~) shall be
4848 water-oriented;

4849 C. Swimming areas shall be separated from boat launch areas and marinas, to the
4850 maximum extent practical;

4851 D. The development of underwater sites for sport diving shall not:

4852 1. Take place at depths of greater than eighty feet;

4853 2. Constitute a navigational hazard; and

4854 3. Be located in areas where the normal waterborne traffic would constitute a
4855 hazard to those people who may use such a site;

4856 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
4857 and launching facilities below the ordinary high water mark shall be governed by the
4858 regulations relating to docks, piers, moorage, buoys, floats, or launching facility
4859 construction in K.C.C. 21A.25.180;

4860 F. Public boat launching facilities or marinas shall be governed by K.C.C.
4861 21A.25.120;

4862 G. Campgrounds in the (~~((N))~~)natural shoreline environment shall meet the
4863 following conditions:

4864 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
4865 not, be located outside of critical area((s)) and associated buffers;

4866 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

4867 3. Removal of vegetation shall be limited to the maximum extent practical;

4868 H. Public contact with unique and fragile areas shall be permitted where it is
4869 possible without destroying the natural character of the area;

4870 I. Water viewing, nature study, recording, and viewing shall be accommodated
4871 by open space, platforms, benches, or shelter, consistent with public safety and security;

4872 J. Public recreation shall be provided on county-owned lands consistent with this
4873 chapter unless the director determines public recreation is not compatible with other uses
4874 on the site or will create a public safety risk; and

4875 K. To the maximum extent practical, proposals for non water oriented active
4876 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be
4877 permitted where the non((-))water oriented active recreation facility would have an
4878 adverse impact on critical saltwater or critical freshwater habitats.

4879 SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C.
4880 21A.25.160 are hereby amended to read as follows:

4881 A. The shoreline modification table in this section determines whether a specific
4882 shoreline modification is allowed within each of the shoreline environments. The
4883 shoreline environment is located on the vertical column and the specific use is located on
4884 the horizontal row of the table. The specific modifications are grouped by the shoreline
4885 modification categories in WAC 173-26-231. The table should be interpreted as follows:

4886 1. If the cell is blank in the box at the intersection of the column and the row,
4887 the modification is prohibited in that shoreline environment;

4888 2. If the letter "P" appears in the box at the intersection of the column and the
4889 row, the modification may be allowed within the shoreline environment;

4890 3. If the letter "C" appears in the box at the intersection of the column and the
4891 row, the modification may be allowed within the shoreline environment subject to the
4892 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4893 4. If a number appears in the box at the intersection of the column and the row,
4894 the modification may be allowed subject to the appropriate review process indicated in
4895 this section and the specific development conditions indicated with the corresponding
4896 number immediately following the table, and only if the underlying zoning allows the
4897 modification. If more than one number appears at the intersection of the column and
4898 row, both numbers apply;

4899 5. If more than one letter-number combination appears in the box at the
4900 intersection of the column and the row, the modification is allowed within that shoreline
4901 environment subject to different sets of limitations or conditions depending on the review
4902 process indicated by the letter, the specific development conditions indicated in the
4903 development condition with the corresponding number immediately following the table;

4904 6. A shoreline modification may be allowed in the aquatic environment only if
4905 that shoreline modification is allowed in the adjacent shoreland environment; and

4906 7. This section does not authorize a shoreline modification that is not allowed
4907 by the underlying zoning, but may add additional restrictions or conditions or prohibit
4908 specific modifications within the shoreline jurisdiction. All shoreline modifications in

4909 the shoreline jurisdiction shall comply with all relevant county code provisions and with

4910 the King County shoreline master program.

4911 B. Shoreline modifications.

	High Inten sity	Resident ial	Rur al	Conserv ancy	Resour ce	Fores try	Natu ral	Aqua tic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters,								

jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of	P8	P8	P8	P9	P8	P8	P9	P9

existing intact native vegetation								
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4912 C. Development conditions.

4913 1. New and replacement shoreline stabilization, including bulkheads, shall meet
4914 the standards in K.C.C. 21A.25.170((;)).

4915 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.
4916 chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King
4917 County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection
4918 Guidelines (Washington state ((~~the~~)) Departments of Fish and Wildlife, Ecology, and
4919 Transportation, ((2003)) 2002). New structural flood hazard protection measures are
4920 allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific
4921 and engineering analysis that the structural measures are necessary to protect existing
4922 development, that nonstructural measures are not feasible and that the impact on
4923 ecological functions and priority species and habitats can be successfully mitigated ((~~so~~
4924 as)) to assure no net loss of shoreline ecological functions. New flood protection
4925 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.
4926 21A.25.170.

4927 b. Relocation, replacement, or expansion of existing flood control facilities
4928 within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of
4929 the King County Flood Management Plan and consistent with the ((~~Washington State~~
4930 ~~Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and
4931 bioengineering techniques used to the maximum extent practical. New facilities would

4932 only be allowed consistent with an approved watershed resources inventory area (WRIA)
4933 salmon recovery plan under chapter 77.85 RCW.

4934 3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with
4935 the standards in K.C.C. 21A.25.180((~~3~~)).

4936 4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

4937 b. A shoreline conditional use permit is required to:

4938 (1) Place fill waterward of the ordinary high water mark for any use except
4939 ecological restoration or for the maintenance and repair of flood protection facilities; and

4940 (2) Dispose of dredged material within shorelands or wetlands within a
4941 channel migration zone;

4942 c. ~~((F))~~fill shall not be placed in critical saltwater or critical freshwater habitats
4943 except when all of the following conditions are met:

4944 (1) the public's need for the proposal is clearly demonstrated and the proposal
4945 is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW
4946 90.58.020;

4947 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by
4948 an alternative alignment or location is not feasible or would result in unreasonable and
4949 disproportionate cost to accomplish the same general purpose;

4950 (3) the project including any required mitigation, will result in no net loss of
4951 ecological functions associated with critical saltwater or critical freshwater habitats; and

4952 (4) the project is consistent with the state's interest in resource protection and
4953 species recovery; and

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

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

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

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

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

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

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

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

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

4975 b. Groins are only allowed as part of a restoration project sponsored or
4976 cosponsored by a public agency that has natural resource management as a primary
4977 function.

4978 c. A conditional shoreline use permit is required, except for structures installed
4979 to protect or restore shoreline ecological functions.

4980 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.
4981 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
4982 material within shorelands, wetlands, or side channels within a channel migration zone.

4983 7.~~((a. If the department determines))~~ Limited to projects where the primary
4984 purpose is ~~((restoration))~~ to restore or enhance of the natural character and ecological
4985 functions of the shoreline, ~~((a shoreline habitat and natural systems enhancement))~~ as
4986 follows:

4987 a. the project may include shoreline modification of vegetation, removal of
4988 nonnative or invasive plants, and shoreline stabilization, including the installation of
4989 large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions identified through
4990 biological assessments required by the National Marine Fisheries Services and applied to
4991 flood hazard mitigation projects may include shoreline modifications of vegetation,
4992 removal of nonnative or invasive plants, and shoreline stabilization, including the
4993 installation of large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions
4994 identified through biological assessments required by the National Marine Fisheries
4995 Services and applied to flood hazard mitigation projects may include shoreline
4996 modifications of vegetation, removal of nonnative or invasive plants, and shoreline

4997 stabilization, including the installation of large ~~((woody debris))~~ wood, dredging, and
4998 filling~~((:))~~;

4999 b. Within the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area, the county may grant relief
5000 from shoreline master program development standards and use regulations resulting from
5001 shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-
5002 215~~((:))~~;

5003 c. A shoreline habitat and natural systems enhancement project shall provide a
5004 net ecological benefit and increase in functions over the existing ecological and
5005 functional conditions of the habitat project area; and

5006 d. A restoration or enhancement plan shall include:

5007 (1) an evaluation of the anticipated net change in ecological functions from
5008 pre-project to post-project; and

5009 (2) a monitoring and reporting plan to demonstrate the gain of ecological
5010 function.

5011 8. Within the critical area and critical area buffer, vegetation removal is subject
5012 to K.C.C. chapter 21A.24.

5013 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
5014 native vegetation located outside of the critical area and critical area buffer shall be
5015 retained to the maximum extent practical. Within the critical area and critical area buffer,
5016 vegetation removal is subject to K.C.C. chapter 21A.24.

5017 SECTION 99. Ordinance 16985, Section 46, as amended, and K.C.C.
5018 21A.25.210 are hereby amended to read as follows:

5019 A. The expansion of a dwelling unit or residential accessory structure located in
5020 the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the~~
5021 ~~following:~~

5022 ~~A.))~~ shall require a shoreline variance ~~((f))~~ if the proposed expansion ~~((will))~~:

5023 1. ~~((f))~~ Results in a total cumulative expansion of the dwelling unit and
5024 accessory structures ~~((of))~~ by more than one thousand square feet ~~((, a shoreline variance~~
5025 ~~is required; and~~

5026 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
5027 ~~the expansion is not allowed))~~;

5028 2. Is within thirty-five feet of the ordinary high water mark; or

5029 3. Is between thirty-five feet and fifty feet of the ordinary high water mark and
5030 the expansion extending towards the ordinary high water mark is greater than three
5031 hundred square feet.

5032 SECTION 100. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045
5033 are hereby amended to read as follows:

5034 A. ~~((To achieve the maximum density allowances using))~~ The livestock densities
5035 in K.C.C. 21A.30.040 may be achieved through a livestock management plan component
5036 of a farm management plan ~~((, the))~~. A livestock management plan ~~((must meet the~~
5037 ~~following criteria))~~ component shall:

5038 1. ~~((The plan is))~~ Comply with the requirements of K.C.C. 21A.24.051 for farm
5039 management plans;

5040 2. Be developed as part of a program authorized or approved by King County.
5041 Certified Washington state Department of Ecology nutrient management plans that are

5042 consistent with all of the criteria of this section may substitute for a livestock
5043 ~~((management component of a farm))~~ management plan component for commercial dairy
5044 farms. Commercial dairy farms that do not have approved nutrient management plans
5045 ~~((must))~~ shall meet the requirements of K.C.C 21A.30.060;

5046 ~~((2. The plan))~~ 3. ~~((i))~~ Include((s)) site-specific best management ~~((measures))~~
5047 practices for minimizing nonpoint pollution from agricultural activities and for managing
5048 wetland ~~((and))~~, wetland buffers, aquatic areas, and riparian areas, including, but not
5049 limited to:

- 5050 a. livestock watering;
- 5051 b. grazing and pasture management;
- 5052 c. confinement area management;
- 5053 d. manure management; and
- 5054 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,
5055 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet
5056 meadows~~((;))~~;

5057 ~~((3. The plan is))~~ 4. Be implemented within a timeframe established in the plan
5058 and maintained so that nonpoint pollution attributable to livestock-keeping is minimized;
5059 and

5060 ~~((4. A))~~ 5. Include a monitoring plan ~~((may be))~~, if required ~~((as part of the~~
5061 ~~livestock management component of a farm management plan))~~, to demonstrate that there
5062 is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat.
5063 Monitoring results shall be made available to the King County agriculture program.

5064 B. The livestock ~~((management component of a farm))~~ management plan
5065 component shall, at a minimum:

5066 1.a. ~~((Generally seek to achieve a twenty-five foot buffer of))~~ Establish grazing
5067 area buffers with diverse, mature vegetation between grazing areas and ~~((the ordinary~~
5068 ~~high water mark of all type S and F aquatic areas and))~~ critical areas as follows:

5069 (1) forty feet from the ~~((wetland))~~ edge of a ~~((ny))~~ category I, II, or III
5070 wetland, ~~((with the))~~ except ~~((ion of))~~ grazed wet meadows ~~((, using buffer averaging~~
5071 ~~where necessary to accommodate existing structures.))~~;

5072 (2) forty feet from a type S or F aquatic area;

5073 (3) thirty-five feet from a type N aquatic area;

5074 (4) twenty feet from the edge of a category IV wetland, except grazed wet
5075 meadows;

5076 (5) no minimum from grazed wet meadows; and

5077 (6) the clearing of lands for new grazing areas shall not occur in wetlands,
5078 wetland buffers, or riparian areas that contain predominantly native forest overstory,
5079 shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area
5080 widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5081 b. The ~~((livestock management component of a farm management plans may~~
5082 ~~vary the))~~ width of the grazing area buffer ~~((of an aquatic area or wetland,))~~ and the time
5083 and duration of animal exclusion throughout the year ~~((, according to guidelines agreed~~
5084 ~~upon by King County and the King Conservation District))~~ may be modified consistent
5085 with the public rule established to implement farm management plans. The ~~((guidelines))~~
5086 public rule may ~~((support a))~~ allow for different grazing area buffer widths based on both

5087 the nature of the farm operation and the function and sensitivity of the aquatic area or
5088 wetland.

5089 c. The livestock management plan ~~((must))~~ component shall include best
5090 management practices that avoid having manure accumulate in or within ten feet of type
5091 ~~((N or)) O ((waters))~~ aquatic areas. ~~((Forested lands being cleared for grazing areas shall~~
5092 ~~comply with the critical area buffers in K.C.C. chapter 21A.24))~~);

5093 2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal
5094 waste to aquatic areas and wetlands;

5095 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature
5096 vegetation beyond the grazing area buffers identified in subsection B.1. of this section
5097 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F
5098 ~~((waters))~~, and N aquatic areas. This requirement may be waived for existing
5099 confinement areas on lots of two and one-half acres or less in size if:

5100 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation
5101 is achieved;

5102 b. manure within the confinement area is removed daily during the winter
5103 season from October 15 to April 15, and stored in accordance with K.C.C.
5104 21A.30.060.D.; and

5105 c. additional best management practices~~((, as recommended by the King~~
5106 ~~Conservation District,))~~ in an approved farm management plan are implemented~~((;))~~ and
5107 maintained; and

5108 4. Include a schedule for implementation.

5109 C. Any deviation from the manure management standards ~~((must))~~ shall be
5110 addressed in ~~((a))~~ the livestock ~~((management component of a farm))~~ management plan
5111 component.

5112 D. ~~((A copy of the final plans shall be submitted to the department of natural~~
5113 ~~resources and parks within sixty days of completion.~~

5114 E. ~~The farm management plan approved by the department of natural resources~~
5115 ~~and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040~~
5116 ~~and 20.22.080. Appeals may be filed only by the property owner or four members of the~~
5117 ~~King County agriculture commission. Any farm management plan not appealed shall~~
5118 ~~constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.~~
5119 ~~9.12.035.))~~ Properties operating subject to an existing livestock management plan
5120 component based on the standards in effect before the effective date of this ordinance
5121 shall be deemed to have satisfied the standards of this section.

5122 E. For the purposes of this section, in aquatic areas and riparian areas, distances
5123 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5124 the top of the bank if the ordinary high water mark cannot be identified.

5125 SECTION 101. Ordinance 10870, Section 534, as amended, and K.C.C.

5126 21A.30.060 are hereby amended to read as follows:

5127 ~~((Property owners with farms containing either large))~~ A. The livestock ~~((at))~~
5128 densities ~~((greater than one animal unit per two acres, or small livestock at densities~~
5129 ~~greater than five animals per acre, or both, are not required to follow an livestock))~~
5130 identified in K.C.C. 21A.30.040 without a farm management plan ((if the owners
5131 adhere)) are subject to ~~((the management standards in subsections A. through G. of))~~ this

5132 section. This section applies only if farm practices do not result in violation of any
5133 federal, state, or local water quality standards.

5134 ~~((A.))~~ B. To minimize livestock access to aquatic areas, property owners shall
5135 utilize the following for livestock watering ~~((options))~~:

5136 1. The preferred option, which is a domestic water supply, stock watering pond,
5137 roof runoff collection system, or approved pumped supply from ~~((the))~~ aquatic areas so
5138 that livestock are not required to enter aquatic areas for their water supply.

5139 2.a. Livestock access to type S~~((and))~~, F ~~((waters, including their buffers))~~, and
5140 N aquatic areas and riparian areas shall be limited to crossing and watering points that
5141 have been addressed by a crossing or watering point plan designed to Natural Resource
5142 Conservation Services or King Conservation District specifications that prevent free
5143 access along the length of the aquatic areas.

5144 ~~((a.))~~ b. Fencing shall be used as necessary to prevent livestock access to type
5145 S ~~((and))~~, F ~~((waters))~~, and N aquatic areas.

5146 ~~((b.))~~ c. Bridges may be used ~~((, in accordance with K.C.C. chapter 21A.24, in~~
5147 ~~lieu of))~~ in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and
5148 abutments shall not be placed within the ordinary high water mark or top-of-bank,
5149 whichever is greater. Bridges shall be designed to allow free flow of flood waters and
5150 shall not diminish flood carrying capacity. These bridges may be placed without a
5151 ~~((county))~~ building permit, but the permit waiver shall not constitute any assumption of
5152 liability by the county with regard to such bridge or its placement. The waiver of a
5153 ~~((county))~~ building permit ~~((requirements))~~ does not constitute a waiver from other
5154 required agency permits.

5155 ~~((B-))~~ C.1. Existing grazing areas without a farm management plan and not
5156 addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative))~~ grazing area buffer
5157 ~~((of))~~ as follows:

5158 a. fifty feet from the ~~((wetland))~~ edge of a category I, II, or III wetland, except
5159 ~~((those wetlands meeting the definition of))~~ grazed wet meadows~~((, or the ordinary high~~
5160 ~~water mark of))~~;

5161 b. fifty feet from a type S ~~((or))~~, F ~~((water))~~, or N aquatic area;

5162 c. twenty-five feet from the edge of a category IV wetland, except grazed wet
5163 meadows; and

5164 d. no minimum from grazed wet meadows.

5165 2. ~~((Forested))~~ The clearing of lands ~~((being cleared))~~ for new grazing areas
5166 shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly
5167 native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian
5168 area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5169 3. ~~((The grazing area buffer may be reduced to twenty five feet where a twenty-~~
5170 ~~five foot buffer of diverse, mature vegetation already exists. This buffer reduction may~~
5171 ~~not be used when forested lands are being cleared for grazing areas.~~

5172 4.)) Fencing shall be used to establish and maintain the grazing area buffer
5173 unless the buffer is otherwise impenetrable to livestock.

5174 ~~((5-))~~ 4. Fencing installed in accordance with the ~~((1990 Sensitive Area~~
5175 ~~Ordinance before February 14, 1994))~~ standards in effect before January 1, 2005, at
5176 setbacks other than those specified in subsection B.~~((1. and 2.))~~ of this section shall be
5177 deemed to constitute compliance with those requirements.

5178 ~~((6.))~~ 5. Grazing areas within two hundred feet of a wetland or type S~~((or))~~, F
5179 ~~((water or category I, II or III wetland))~~, or N aquatic area shall not be plowed during the
5180 rainy season from October 1 through April 30.

5181 ~~((7.))~~ 6. Grazing areas may extend to the property line, provided that wetlands
5182 and type S~~((or))~~, F ~~((waters and category I, II and III wetlands))~~, or N aquatic areas that
5183 are located adjacent to the property line are ~~((buffered))~~ protected in accordance with
5184 subsection ~~((B.1., 2. or 3.))~~ C. of this section.

5185 ~~((C.))~~ D.1. In addition to the grazing area buffers in subsection ~~((B.1. and 2.))~~ C.
5186 of this section, confinement areas located within two hundred feet of any wetland, except
5187 grazed wet meadows, or type S~~((or))~~, F₂ ~~((waters or category I, II or III, wetlands with the~~
5188 ~~exception of grazed wet meadows))~~ or N aquatic areas shall:

5189 a. have a twenty-foot-wide vegetative filter strip downhill from the
5190 confinement area, consisting of heavy grasses or other ground cover with high stem
5191 density and that may also include tree cover;

5192 b. not be located in ~~((the buffer of))~~ a wetland buffer or a riparian area of
5193 ~~a~~~~((ny))~~ type S~~((or))~~, F ~~((water or any wetland buffer required by the critical areas~~
5194 ~~ordinance))~~, or N aquatic area in effect at the time the confinement area is built, or within
5195 fifty feet of ~~((the))~~ a wetland ~~((edge of any category I, II or III wetland))~~ or ~~((the ordinary~~
5196 ~~high water mark of any))~~ type S~~((or))~~, F ~~((water))~~, or N aquatic area. Fencing shall be
5197 used to establish and maintain the wetland buffer ~~((except where existing natural~~
5198 ~~vegetation is sufficient to exclude))~~ or riparian area unless the area is otherwise
5199 impenetrable to livestock ~~((from the buffer. Existing confinement areas that do not meet~~
5200 ~~these requirements shall be modified as necessary to provide the buffers specified in this~~

5201 ~~section within five years of January 1, 2005, though the footprint of existing buildings~~
5202 ~~need not be so modified~~)); and

5203 c. have roof drains of any buildings in the confinement area diverted away
5204 from the confinement area.

5205 2. Confinement areas may extend to the property line((;)) if aquatic areas and
5206 wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~))
5207 subsection C. of this section.

5208 ((~~D.~~)) E.1. Manure storage areas shall be managed as follows:

5209 a. Surface flows and roof runoff shall be diverted away from manure storage
5210 areas;

5211 b. All manure stockpiled within two hundred feet uphill of ((~~any the ordinary~~
5212 ~~high water mark of~~)) a wetland or type S ((~~or~~)), F ((~~water or the edge of a category I, II or~~
5213 ~~III wetland~~)), or N aquatic area shall either be covered in a manner that excludes
5214 precipitation and allows free flow of air to minimize fire danger or be placed in an
5215 uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or
5216 other facility designed to prevent leachate from reaching any aquatic area or wetland.
5217 Concrete bunkers shall be monitored quarterly for the first two years after installation,
5218 then annually unless problems were identified in the first two years, in which case
5219 quarterly monitoring shall continue and appropriate adjustments shall be made; and

5220 c.(1) Manure shall not be stored in a((~~ny aquatic area buffer~~)) riparian area or
5221 wetland buffer, with the exception of grazed ((~~or tilled~~)) wet meadows, unless there is no
5222 other alternative on the property. Manure shall be stored in a location that avoids having
5223 runoff from the manure enter aquatic areas or wetlands.

5224 (2) Manure piles shall not be closer than one hundred feet uphill from:
5225 ~~((1))~~ (a) any wetland edge excluding grazed ~~((or tilled))~~ wet meadows;
5226 ~~((2))~~ (b) the ordinary high water mark of any aquatic area; or
5227 ~~((3))~~ (c) any ditch to which the topography would generally direct runoff
5228 from the manure~~((; and))~~.

5229 ~~((4))~~ (3) The location may be reduced to no closer than fifty feet if the
5230 manure pile is part of an active compost system that is located on an impervious surface
5231 to prevent contact with the soil and includes a leachate containment system.

5232 2. Manure shall be spread on fields only during the growing season, and not on
5233 saturated or frozen fields.

5234 ~~((F.))~~ F. For purposes of this section, "buffer maintenance" means allowing
5235 vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a
5236 filter for storm~~(())~~water entering the aquatic area, other than noxious weeds, to grow to
5237 its mature height, though grasses in the buffer may be mowed but not grazed. Grading in
5238 the buffer is allowed only for establishment of watering and crossing points, or for other
5239 activities ~~((permitted))~~ in accordance with K.C.C. chapter 21A.24, with the appropriate
5240 permits.

5241 ~~((F.))~~ G. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at
5242 distances other than those specified in these standards, and for which livestock
5243 management farm plans have been developed based on the existing fencing locations,
5244 shall be deemed to be in compliance with the fencing requirements of these standards~~((~~
5245 ~~Properties with or without a livestock management component of a farm management~~
5246 ~~plan that complied with the fencing requirements in effect before January 1, 2005, shall~~

5247 ~~have five years from January 1, 2005, to meet the fencing requirements for aquatic areas~~
5248 ~~that were exempt from fencing under ordinances in effect before January 1, 2005)), but~~
5249 only if approved fencing is present for type S and F aquatic areas.

5250 ((G.)) H. Buffer areas shall not be subject to public access, use, or dedication by
5251 reason of the establishment of such buffers.

5252 I. For the purposes of this section, in aquatic areas and riparian areas, distances
5253 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5254 the top of the bank if the ordinary high water mark cannot be identified.

5255 SECTION 102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are
5256 hereby amended to read as follows:

5257 A. A person who alters a critical area or buffer in violation of law shall undertake
5258 corrective work in compliance with this chapter and K.C.C. ((chapter 23.08)) Title 23.
5259 When feasible, corrective work shall include restoration of the critical area and associated
5260 buffer. Corrective work shall be subject to all permits or approvals required for the type
5261 of work undertaken. In addition, the violator shall be subject to all fees associated with
5262 investigation of the violation and the need for corrective work.

5263 B. When a wetland or buffer is altered in violation of this title, restoration of the
5264 wetland and associated buffer shall comply with the restoration standards in K.C.C.
5265 21A.24.340.

5266 C. When an aquatic area or ((buffer)) riparian area is altered in violation of this
5267 title, restoration of the ((stream and buffer)) aquatic area or riparian area shall comply
5268 with the restoration standards in K.C.C. 21A.24.380.

5269 D. All corrective work shall be completed within the time specified in the
5270 corrective work plan, but in no case later than one year from the date the corrective work
5271 plan is approved by the department, unless the director authorizes a longer period. The
5272 violator shall notify the department when restoration measures are installed and
5273 monitoring is commenced.

5274 E. Any failure to satisfy corrective work requirements established by law or
5275 condition including, but not limited to, the failure to provide a monitoring report within
5276 thirty days after it is due or comply with other provisions of an approved corrective work
5277 plan shall constitute a default, and the department may demand payment of any financial
5278 guarantees or require other action authorized by K.C.C. Title 27A or other applicable
5279 law.

5280 F. Reasonable access to the corrective work site shall be provided to King
5281 County for the purpose of inspections during any monitoring period.

5282 SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130
5283 are hereby amended to read as follows:

5284 Fees for critical areas review, critical area designation, critical area alteration, flood
5285 hazard certification and variances for floodplain development, or sea level rise risk area
5286 shall be charged as follows:

5287	A. Critical areas review	
5288	1. Critical area notice on title only	\$423.00
5289	2. Nonresidential review, basic, per discipline	\$2,327.00
5290	3. Nonresidential review, complex, per discipline	\$3,813.00
5291	4. Stewardship planning	\$3,390.00

5292	B.	Critical areas designations	
5293	1.	Minimum fee per application	
5294	a.	<u>For sites less than 1 acres</u>	\$1,438.00
5295	b.	<u>For sites between 1 and 10 acres</u>	<u>\$TBD</u>
5296	c.	<u>For sites over 10 acres</u>	<u>\$TBD</u>
5297	2.	Fee per discipline if the parcel or parcels for which designations	
5298		are requested have one or more critical area, excepting critical	
5299		aquifer recharge, seismic hazard, or erosion hazard area	\$1,061.00
5300	3.	Fee for resubmittal of critical area study, per discipline	\$1,061.00
5301	C.	Critical area alteration exception	
5302	1.	Review, per discipline	\$9,323.00
5303	2.	Base fee	\$3,390.00
5304	3.	Extension of approval	\$1,906.00
5305	4.	If applications for a shoreline permit and critical area alteration	
5306		exception are reviewed concurrently, the critical area alteration	
5307		exception application shall be charged fifty percent of the fees	
5308		required by this section.	
5309	D.	Floodplain development: flood hazard certificate review	
5310	1.	Section A	\$423.00
5311	2.	Section B.1, FEMA floodway	\$284.00
5312	3.	Section B.2	\$853.00
5313	E.	Floodplain development inspection	\$635.00
5314	F.	Floodplain development review: floodway and channel migration zone	

5315	1.	Screening and verification	\$423.00
5316	2.	Review of a request for FEMA floodway letter-of-map-amendment	
5317		shall be charged at actual cost to the department including	
5318		consultant costs, administrative costs and cost of review by other	
5319		county departments and governmental agencies.	
5320	G.	Floodplain development review: mapped floodplain	\$212.00
5321	H.	Floodplain development review: unmapped floodplain	
5322	1.	Qualitative floodplain study	\$212.00
5323	2.	Minor floodplain study	\$284.00
5324	3.	Major floodplain study	\$853.00
5325	I.	Review of variances for development in a floodplain or sea level rise risk area or	
5326		for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be	
5327		charged at actual cost to the department including consultant costs, administrative costs,	
5328		and cost of review by other county departments and governmental agencies.	
5329		<u>SECTION 104.</u> The following are hereby repealed:	
5330	A.	Ordinance 15051, Section 67, and K.C.C. 21A.06.628;	
5331	B.	Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;	
5332	C.	Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;	
5333	D.	Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;	
5334	E.	Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;	
5335	F.	Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;	
5336	G.	Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and	
5337	H.	Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.	

5338 SECTION 105. By December 31, 2027, the executive shall transmit an ordinance
5339 that updates mapping for critical aquifer recharge areas, based on the best available
5340 science when it was previously adopted. The ordinance required by this section shall be
5341 electronically filed with the clerk of the council, who shall retain an electronic copy and
5342 provide an electronic copy to all councilmembers, the council chief of staff, and the lead
5343 staff to the local services and land use committee or its successor.

5344 SECTION 106. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D.,
5345 and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92,
5346 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance to the state Department of Ecology for
5347 its approval, as provided in RCW 90.58.090.

5348 SECTION 107. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66,
5349 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and
5350 104.B. of this ordinance take effect within the shoreline jurisdiction fourteen days after
5351 the state Department of Ecology provides written notice of final action stating that the
5352 proposal is approved, in accordance with RCW 90.58.090. The executive shall provide
5353 the written notice of final action to the clerk of the council.

5354 SECTION 108. Severability. If any provision of this ordinance or its application
5355 to any person or circumstance is held invalid, the remainder of the ordinance or the
5356 application of the provision to other persons or circumstances is not affected."

5357

5358 Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment
5359 A, 2025 Update to 2024 King County Comprehensive Plan, dated August 2025. The
5360 clerk of the council is instructed to engross changes from any adopted amendments and

correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

EFFECT prepared by J. Ngo: Striking Amendment S1 would make the following changes:

General Changes

1. Updates various terminology for consistency and streamlines code language.
2. Addresses technical corrections, clarifying edits, drafting errors, code reviser notes, and engrosses changes from other ordinances.
3. Adds a cross reference to K.C.C. 21A.50.035 and K.C.C. Title 23 for violations in critical areas.
4. Removes a finding that identifies various county code sections as protection for critical aquifer recharge areas. No code sections are removed as part of this change.
5. Where required, clarifies that farm management plans must be approved.
6. Where applicable, clarifies that best management practices for farm management plans are required only for those applicable to the activity.

Clearing and Grading Exemptions (K.C.C. chapter 16.82)

7. Clearing: eliminates a clearing and grading permit exemption in wetlands, wetland buffers, aquatic areas, riparian areas and severe channel migration hazard areas. (Conditions 4, 23)
8. Emergency tree removal: limits the permit exemption in areas outside of critical areas to those to prevent imminent danger to person or structures (Condition 6)
9. Drilling and testing for critical area reports or monitoring and data collection: in critical areas, limits the permit exemption to only those done with hand equipment, minimal grading, no clearing, and equipment is removed when work is completed (Conditions 1, 2, 22)
10. Farm field access drives: limits the permit exemption to properties in the A zone, Agricultural Production District, or Farmland Preservation Program, has an approved farm management plan, meet applicable best management practices in an approved farm plan, creates less than 2,000 sf of new impervious surface, access is less than 14 feet wide, there is no other alternative location with less impacts to critical areas and associated buffers is available, complies with the

5400 farmland dispersion requirements in the King County Surface Water Design
5401 Manual, is sited in an area least subject to channel migration, obtains a floodplain
5402 development permit and state and federal permits when required.

5403 11. Where required, clarifies that farm management plans are to be approved.

5404

5405 Shoreline Master Program (K.C.C. chapter 20.12.200)

5406 12. Adopts new code sections concerning revegetation (Section 63 of the ordinance),
5407 alluvial fan hazard area development standards (Section 72 of the ordinance) and
5408 tsunami hazard area development standards (Section 73 of the ordinance) into the
5409 Shoreline Master Program.

5410 13. Changes the effective date to the date of the ordinance.

5411

5412 Public Benefit Rating System (PBRs) (K.C.C. 20.36.100)

5413 14. Under farm and agricultural conservation land, requires a farm management plan
5414 for livestock to be in accordance with K.C.C. 21A.30.045.

5415 15. Lowers the threshold for the rural open space category from a 10-acre contiguous
5416 open space area minimum to 5 acres.

5417

5418 State Environmental Policy Act (SEPA) (K.C.C. 20.44.040)

5419 16. Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude
5420 proposals undertaken on lands covered by waters, requiring a license governing
5421 discharges to water or emissions to air not exempt under state law, or requiring a
5422 non-SEPA-exempt land use decision.

5423 17. Clarifies the thresholds are up to a certain number (for example, “up to” twenty
5424 dwelling units), rather than exactly a certain number.

5425 18. Broadens the residential exemption to any structure with a certain number of
5426 dwelling units, not only residential structures, consistent with state law.

5427 19. Exempts any fill or excavation necessary for the construction of a project that is
5428 otherwise exempt from SEPA, consistent with state law.

5429 20. Lowers the SEPA exemption for code violations in steep slope, landslide, or
5430 alluvial fan hazard areas from 500 cubic yards to the standard exemption of 100
5431 cubic yards.

5432

5433 Definitions (K.C.C. chapter 21A.06)

5434 21. Agricultural products: removes specific tree types in the list of agricultural
5435 products

5436 22. Aquatic areas: streamlines the definition of aquatic areas, integrates the definition
5437 of “impoundments” into this definition.

5438 23. Aquatic area functions: adds a new definition and examples.

5439 24. Buffer: reverts the definition back to a designated area that is contiguous to a
5440 critical area. Specifies that a buffer is integral to the functions and values of a
5441 critical area.

5442 25. Commercial production of agricultural products: Deletes the proposed definition.
5443 Modified parameters to determine commercial production for critical areas are
5444 added to K.C.C. 21A.24.051.

- 5445 26. Critical aquifer recharge area: modifies the definition to also include areas where
5446 an aquifer is susceptible to reduced recharge, consistent with state law.
5447 27. Farm field access drives: removes regulatory language from the transmittal that
5448 limits farm field access drives to properties in the A zone, Agricultural Production
5449 District, or Farmland Preservation Program.
5450 28. Fish habitat: broadens the definition from only habitats used by salmonids to all
5451 native fish species, revises potential habitat to include upstream or landward of
5452 human-made barriers, and revises the examples of fish habitat.
5453 29. Hazard tree: removes language that a parking area, road, or utility facility within
5454 striking distance of a structurally deficient tree must be approved to qualify.
5455 30. Landslide hazard area: revises language that a landslide hazard area includes areas
5456 located on alluvial fan that is susceptible to episodic inundation, sedimentation,
5457 and erosional impacts.
5458 31. Impoundments: repeals this definition and incorporates language into the
5459 definition of aquatic areas.
5460 32. Mitigation: modifies the definition of mitigation to state that it is an action to
5461 compensate for unavoidable impacts after avoidance and mitigation sequencing is
5462 applied.
5463 33. Notice of map amendment: identifies which maps are adopted and can be
5464 modified through a notice of map amendment.
5465 34. Revegetation: revises the definition of climate-adaptive plants as plant species
5466 identified by DNRP as current or formerly native to the surround ecoregion and
5467 that are predicted to maintain their abundance under climate change.
5468 35. Riparian area: identifies that riparian areas protect the functions and values of
5469 aquatic areas.
5470 36. Tsunami hazard area: updates the Washington Geological Survey to the current
5471 available edition and names the areas on the map.
5472 37. Wetlands: corrects a past code revising error.
5473 38. Wetland values: adds language describing wetland values as estimates of the
5474 worth, merit, quality, or importance of wetlands, identifies that values vary by
5475 watershed or community, and provides examples.
5476 39. Wildlife lighting: clarifies that it is exterior lighting, rather than applied measures
5477 to the exterior lighting, that are designed and installed to reduce impacts to
5478 wildlife.
5479

5480 Purpose (K.C.C. 21A.24.010)

- 5481 40. Clarifies that avoidance and mitigation sequencing includes mitigation of impacts.
5482 41. Clarifies that no net loss, rather than preventing overall loss, is the measure for
5483 wetlands, aquatic areas, and riparian area functions and values.
5484 42. Adds a purpose statement for providing clear and objective development
5485 standards, application requirements, and review processes for the administration
5486 of critical areas protections.
5487

5488 Applicability (K.C.C. 21A.24.020)

- 5489 43. Removes proposed language that if an area or site contains more than one critical
5490 area or natural resource land designation, all designations apply. All designations
5491 on a site would still apply, consistent with chapter K.C.C. 21A.24 and state law.
5492

5493 Critical Area Alteration (K.C.C. 21A.24.045)

- 5494 44. Adds moderate channel migration hazard areas as a critical area where all
5495 alterations are allowed, with conditions.
- 5496 45. Provides additional instruction on how to interpret the critical area alteration
5497 table.
- 5498 46. Renumbering of certain conditions:
- 5499 a. Condition 64 is renumbered to Condition 2
 - 5500 b. Condition 60 is renumbered to Condition 29
 - 5501 c. Condition 57 is renumbered to Condition 56
 - 5502 d. Condition 58 is renumbered to Condition 57
 - 5503 e. Condition 69 is renumbered to Condition 58
 - 5504 f. Condition 29 is renumbered to Condition 59
 - 5505 g. Condition 3 is renumbered to Condition 60
 - 5506 h. Condition 59 is renumbered to Condition 64
- 5507 47. Consolidation of certain conditions:
- 5508 a. Conditions 11 and 12 are consolidated into Condition 10
 - 5509 b. Condition 23 is consolidated into Condition 58 (which is renumbered to
5510 condition 57)
 - 5511 c. Condition 52 is consolidated into Condition 51
 - 5512 d. Condition 56 is consolidated into Condition 55
- 5513 48. Repeal of certain conditions: Condition 11, 12, 23, 52, 59.
- 5514 49. Remove proposed condition 70.
- 5515 50. Maintenance or repair of existing structures:
- 5516 a. Applies Condition 6 in severe channel migration hazard areas and alluvial
5517 fan hazard areas. This condition would limit existing primary structures to
5518 no increase in the footprint and would not constitute substantial
5519 improvement, and limit accessory structures to a 1,000 square foot
5520 addition and no expansion towards an alluvial fan or channel migration
5521 hazard.
- 5522 51. Expansion or replacement of existing structure: Splits this alteration in two, with
5523 the following:
- 5524 a. Expansion of existing structures:
 - 5525 ▪ Prohibits this alteration in a landslide hazard area or steep slope
5526 hazard area (no change from existing code)
 - 5527 ▪ Allows this alteration in severe channel migration hazard areas and
5528 alluvial fan hazard areas with limitations under Condition 6 (see
5529 above for description).
 - 5530 ▪ Allows this alteration in a wetland, wetland buffer, aquatic area,
5531 riparian area, wildlife habitat network, and wildlife habitat
5532 conservation area, subject to Condition 7. Condition 7 is modified
5533 so the alteration must be on an existing impervious surface, lawn
5534 or landscaping area, farm field, or grazed area with limitations on

- original establishment, location, revegetation and/or footprint expansion.
- b. Replacement of existing structures:
- Allows this alteration in a landslide hazard area or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low under Condition 5.
 - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 8. Condition 8 is modified so the alteration is within an existing footprint or has the least impact on the critical area, does not expand the total footprint of all structures and impervious surfaces, is on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and includes revegetation.
52. Construction/maintenance/repair of a pier or dock:
- a. Allows this alteration in a Category II, III, or IV wetland or wetland buffer, subject to Condition 9. Condition 9 is clarified to state that the alteration is only to provide access to an aquatic area and to remove a condition specific only to aquatic areas.
 - b. Allows this alteration in an aquatic area or riparian area, subject to Condition 10. Condition 10 is modified prohibit the alteration in a salmonid spawning area and requires compliance with K.C.C. 21A.25.180 in type S or F aquatic areas.
53. Grading: allows grading in critical areas when addressing an emergency in an alluvial fan hazard area, subject to Condition 14.
54. Cutting of firewood: prohibits cutting of firewood in severe channel migration hazard area, aquatic area, riparian area, wetland, and wetland buffer. Reverts back to limiting the cutting of firewood for only personal use.
55. New road in unimproved right-of-way: prohibits new roads in unimproved right-of-way as allowed alteration.
56. Horticulture activities, grazing of livestock, and commercial fish farms:
- a. For existing activities, adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing (Condition 53).
 - b. Allows for the conversion of existing land to other agricultural products, expansion of existing activities and establishment of new agricultural activities on sites where the primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants (Condition 54).
57. Livestock manure storage facility, livestock heavy use area, farm pads: allowed if associated with a horticulture or livestock grazing activity, in an existing grazed, tilled or impervious area, consistent with a farm management plan, subject to conditions, and outside of areas cleared under a forest practice permit, an aquatic

5581 area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or
5582 riparian areas with predominantly native plants.
5583 58. Nonresidential buildings: allows nonresidential buildings only on sites where the
5584 primary use of the site is one that qualifies as horticulture or grazing livestock
5585 activities, subject to other conditions.
5586 59. Farm field access drives: allows farm field access drives on sites with horticulture
5587 or grazing livestock activity, complies with the Surface Water Design Manual, and
5588 subject to other conditions.
5589

5590 Agricultural activities development standards (K.C.C. 21A.24.051)

5591 60. Establishes criteria for proof of agricultural activities or commercial production of
5592 agricultural products, including 1 year of IRS filing, a USDA organic
5593 certification, enrollment or eligibility for enrollment in the current use
5594 classification, or other comparable documentation. These criteria would only
5595 apply to the critical area regulations, not other parts of the Code where
5596 agricultural activities are regulated.
5597 61. Requires modifications to farm management plans if impacts to critical areas or
5598 associated buffers are identified with monitoring.
5599 62. Clarifies that farm management plans are not effective for the purposes of critical
5600 areas until approved by the County.
5601 63. Deletes language that a property owner or applicant may develop a farm
5602 management plan as part of a program offered or approved by King County.
5603

5604 Public Rules for Farm Management Plans (K.C.C. 21A.24.061)

5605 64. Adds requirements and procedures for adopting a public rule for farm
5606 management plans, including an adoption deadline of December 31, 2026.
5607

5608 Critical area alteration exceptions/reasonable use exceptions (K.C.C. 21A.24.070)

5609 65. Splits critical area alteration exceptions into public agency/utility exceptions and
5610 private development exceptions.
5611 66. Clarifies that all exceptions in the shoreline jurisdictions are processed as
5612 shoreline variances.
5613 67. Expands the prohibition of critical area alteration exceptions from salmonid
5614 habitat to fish habitat.
5615 68. Removes language that an applicant can apply for a reasonable use exception
5616 without first having to apply for an alteration exception if relief from development
5617 standards are requested.
5618

5619 Disclosure (K.C.C. 21A.24.090)

5620 69. Removes the requirement for an applicant to disclose whether they have been
5621 found in violation of K.C.C. chapter 21A.24 for any property in King County.
5622

5623 Critical Area Designations (K.C.C. 21A.24.500)

5624 70. Reverts critical area designations from a parcel to a site.
5625 71. Removes review timelines, which are superseded by K.C.C. Title 20.

72. Specifies which adopted maps that may modify the effectiveness of a critical area designation.

Critical Area Review (K.C.C. 21A.24.100)

73. Development that does not involve site disturbance, clearing, or grading and only requires a permit or approval in K.C.C. chapters 16.04 or 17.04 in alluvial fans are not exempt from critical area review.

Critical Area Reports (K.C.C. 21A.24.110 and Sections 58 and 59)

74. Clarifies that the critical area report requirements may be modified or limited in scope as determined by the Department of Local Services.
75. Identifies what type of critical area report, geological or ecological, applies to each critical area.
76. Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report.
77. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
78. Revises requirements for an ecological critical area report, such as monitoring plans and site plans.

Critical Area Mitigation (K.C.C. 21A.24.125 and K.C.C. 21A.24.130)

79. Updates avoidance and mitigation sequencing to match state law.
80. Prioritizes, instead of requires, mitigation to occur on-site.
81. When monitoring identifies deficiencies in predicted impact or a failure in mitigation, requires an extension of the monitoring period by at least 2 years
82. Requires all development proposals, rather than only access for developments, to minimize impacts and comply with avoidance and mitigation sequencing.

Revegetation (Section 63)

83. Changes terminology of “climate-smart plants” to “climate-adaptive plants”
84. Establishes a new section for revegetation requirements in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary.
85. Allows modification to planting plans based on site-specific conditions.
86. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.

Notice on Title (K.C.C. 21A.24.170)

87. Adds buffer reductions to the notice on title.
88. Clarifies that a notice on title may be removed or amended as part of a critical area designation or a critical areas map update including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, or flood hazard areas.

- 5672 Critical Area Setbacks (K.C.C. 21A.24.200)
- 5673 89. Reduces the critical area setback from 15 feet to 10 feet.
- 5674 90. Removes a proposed 18" height limitation for uncovered decks in critical area
- 5675 setbacks.
- 5676
- 5677 Channel Migration Zones (K.C.C. 21A.24.275)
- 5678 91. Clarifies that new primary dwelling units, accessory dwelling units or living
- 5679 quarters, and required infrastructure are allowed if located on a legally established
- 5680 lot in existence on or before February 16, 1995.
- 5681
- 5682 Geologically Hazardous Areas
- 5683 Landslide and Steep Slope Hazard Areas (K.C.C. 21A.24.280 and K.C.C. 21A.24.310)
- 5684 92. Requires alterations on slopes greater than 40% to not decrease slope stability on
- 5685 contiguous properties and the risk of property damage or injury from landsliding
- 5686 is eliminated or minimized.
- 5687 93. Adds a factor of safety requirement for slope stability for landslide hazard areas
- 5688 and steep slope hazard areas.
- 5689 94. Requires alterations to comply with a geological critical area report.
- 5690 95. Recodifies K.C.C. 21A.24.310.
- 5691
- 5692 Alluvial Fan Hazard Areas (Section 72)
- 5693 96. Allows for buffers from alluvial fan hazard areas if needed.
- 5694 97. Requires alterations in alluvial fans to minimize risk of inundation, sedimentation,
- 5695 channel migration, or erosion on adjacent properties.
- 5696 98. Prohibits vegetation removal from an alluvial fan hazard area or associated buffer
- 5697 except as part of an allowed alteration.
- 5698 99. Requires alterations to minimize disturbance to alluvial fan hazard area, slope,
- 5699 and vegetation unless necessary for slope stabilization.
- 5700
- 5701 Critical Aquifer Recharge Areas (K.C.C. 21A.24.316)
- 5702 100. Updates mining to mineral extraction to reflect land uses in K.C.C. chapter
- 5703 21A.08.
- 5704 101. Requires a property owner to implement all recommended measures to prevent
- 5705 saltwater intrusion into a well.
- 5706 102. Adds a requirement to transmit updated critical aquifer recharge area maps by
- 5707 December 31, 2027.
- 5708
- 5709 Wetlands (K.C.C. 21A.24.335, 340, 342)
- 5710 103. Reclassifies moderate-intensity active recreation or open space and passive
- 5711 recreation inside the Urban Growth Area as moderate and low impact land uses,
- 5712 respectively.
- 5713 104. When buffer averaging is proposed, requires revegetation where native vegetation
- 5714 does not current exist and requires no net loss of wetland functions and values.
- 5715 105. Requires all wetland complexes inside the Urban Growth Area to include a
- 5716 corridor if buffers do not connect.

106. Allows mixed-use, daycares, and social services within the Urban Growth Area, which have a high intensity impact designation, to be lowered to moderate impacts if certain conditions are met. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse and requires noise-generating activities to be sited away from the wetland.
107. Increases the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands from 1:1 R/C and 16:1 E to 1:1 R/C and 20:1 E consistent with Department of Ecology guidance.
108. Increases the rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands from 4.5:1 to 6:1.

Aquatic Areas and Riparian Areas (K.C.C. 21A.24.355, .358, .365, .380)

109. Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
110. Standardizes the riparian area width for all Type S and F riparian areas in the Urban Growth Area to 180 feet.
111. Requires revegetation where native vegetation does not current exist when buffer averaging is proposed.
112. Prohibits clearing and other site disturbances from May 1 to October 1 in aquatic areas or riparian areas. Allows modifications or restrictions when required by a state or federal period.
113. Requires projects to minimize the potential for recreational hazards when large wood is proposed in a Type S aquatic area.
114. Requires mitigation plans to include native or climate-adaptive plant species comparable to a nearby relatively undisturbed riparian area.
115. Requires mitigation for riparian areas to include restoration or creation.
116. For alternative mitigation ratios:
- a. Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
 - b. Increases the ratio for Type O riparian areas with impacts to woody vegetation.
 - c. Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas
 - d. Revises a secondary action for replanting a riparian area addition to adding more riparian area with replanting.
 - e. Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.
117. Revises the mitigation ratio for illegal alterations to 3:1.

Wildlife Habitat Networks (K.C.C. 21A.24.385)

118. Removes references to urban planned developments and fully contained communities.

Grazing livestock (K.C.C. 21A.30)

119. For sites with farm management plans:

- 5762 a. Requires the livestock management component to comply with the farm
5763 management plan requirements in K.C.C. 21A.24.051.
5764 b. Clarifies that grazed wet meadows have no grazing area buffer.
5765 c. Clarifies that grazing area buffers may be modified consistent with the
5766 farm management plan public rule.
5767 d. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers,
5768 or riparian areas with predominantly native cover.
5769 e. Clarifies that clearing of land for new grazing areas must comply with
5770 critical area widths or buffer widths.
5771 f. Removes special requirements to submit a final farm management plan
5772 with a livestock component to the County.
5773 g. Removes a hearing examiner appeal process of farm management plans to
5774 reflect current practice.
5775 h. Identifies measurement methods for grazing area widths.
5776 120. For sites without farm management plan:
5777 a. Revisions to the section to be applicable to any site with livestock without
5778 a farm management plan;
5779 b. Removes a 50-foot grazing area buffer for Category IV wetland and
5780 maintains the 25-foot grazing area buffer.
5781 c. Clarifies that grazed wet meadows have no grazing area buffer.
5782 d. Removes a 25-foot grazing area buffer reduction where there is existing
5783 diverse, mature vegetation.
5784 e. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers,
5785 or riparian areas with predominantly native cover.
5786 f. Removes an allowance for manure storage on tilled wet meadows.
5787 g. Identifies measurement methods for grazing area widths.
5788

5789 Development Permit Fees (K.C.C. 27.10.130)

- 5790 121. Modifies fees for critical area designations based on site size.
5791

5792 Comprehensive Plan (Attachment A)

- 5793 122. In Chapter 3, adds a policy exploring implementation of a Voluntary Stewardship
5794 Program within the Snoqualmie Valley Agricultural Production District.
5795 123. In Chapter 5, adds a policy recognizing Indigenous Knowledge as an important
5796 aspect in developing rules, regulations, projects, and programs for the protection
5797 of critical areas.
5798 124. In Chapter 5, adds lead-in text regarding supporting critical area protections and
5799 the long-term viability of agriculture and Voluntary Stewardship Programs. Adds
5800 a policy on exploring adaptive management techniques within or adjacent to
5801 agricultural activities, such as enrollment through the Voluntary Stewardship
5802 Program, collection of data, engagement with Indian tribes, the King
5803 Conservation District, farmers, and other interested parties.
5804 125. In Chapter 5, adds a policy on consideration of species and habitats of cultural
5805 importance to Indian tribes in planning, development review, and capital projects.
5806 126. In the Glossary, modifies the definition of habitat, wetland functions and wetland
5807 values for consistency with K.C.C. chapter 21A.06.