

Barón moved Striking Amendment S1.
The motion carried.

S1

10-31-25
Chair Striker

[J. Ngo] Sponsor: Perry
Proposed No.: 2024-0408

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0408, VERSION**

2 **2**

3 On page 5, beginning on line 100, strike everything through page 276, line 5484, and
4 insert:

5 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. The Washington state Growth Management Act ("the GMA") requires
8 counties to take action to review, and if needed, revise their comprehensive plans and
9 development regulations to ensure compliance with the requirements of the GMA by
10 December 31, 2024. King County completed its statutorily required comprehensive plan
11 update in December 2024 via Ordinance 19881.

12 B. King County is required to designate critical areas and adopt development
13 regulations to protect those designated critical areas as part of the comprehensive plan
14 review and evaluation required by RCW 36.70A.130. Under the substantial progress
15 exception in RCW 36.70A.130(7)(a), the county has until December 2025 to complete
16 the associated updates to critical areas regulations.

17 C. In designating and protecting critical areas, King County is required to include
18 the best available science ("BAS") in developing policies and development regulations to

19 protect the functions and values of critical areas; give special consideration to
20 conservation or protection measures necessary to preserve or enhance anadromous
21 fisheries; ensure no net loss of ecological functions and values; and consider critical areas
22 regulations as part of the comprehensive plan review and evaluation required by RCW
23 36.70A.130.

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

31 E. The October 2025 Best Available Science Review and Updates to Critical
32 Areas Protections report summarizes GMA requirements for the review and inclusion of
33 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes
34 tribal consultation and community engagement, details the approach and scope for BAS
35 review, addresses Comprehensive Plan considerations, and identifies regulatory updates
36 and nonregulatory actions to strengthen protection and ensure no net loss of critical areas
37 functions and values.

38 F. As required by GMA, where policies and development regulations depart from
39 BAS, the report provides information and rationale to support departures, assesses
40 potential risks to critical areas functions and values, and describes regulatory and
41 nonregulatory actions to mitigate risk. Comprehensive Plan policies, land use

designations, zoning classifications, and development regulations work in concert with nonregulatory actions, including land conservation and habitat restoration to ensure no net loss of critical area functions and values.

G. Alluvial fan hazard areas and tsunami hazard areas are designated as new critical areas. Both of these hazards can pose threats to people and property and can occur unpredictably and rapidly. Alluvial fans occur naturally along stream channels at the base of a slope and their natural processes, such as debris flows or flooding, can be destructive. At the same time, alluvial fans are important places for habitat forming processes that support salmon, including transport and deposition of sediment and wood that contribute to habitat structure and complexity. Tsunami hazard areas are located in areas susceptible to flood, inundation, debris impact, or mass wasting resulting from tsunamis. Through this ordinance, King County is taking actions to protect development from these hazards through the designation of these critical areas and design and siting measures.

H. Channel migration is the natural process of stream and river channels moving across a floodplain that can happen over days, years, decades, or centuries as a river moves water, water, and sediment downstream over time. Channel migration zones are areas that can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes. Channel migration zones are considered geological and flood hazards that pose risk to structures, roads, and infrastructure. Channel migration, including the formation of new side channels and erosion of channel banks that causes trees to fall and form log jams and generally add complexity to stream and river channels, is also an important habitat

forming process.

I. The Washington state Shoreline Management Act requires local governments to identify and limit development within channel migration zones in shorelines of the state.

J. In the last decade, King County has completed studies and maps for reaches of the Greenwater river, the Middle White river, Raging river, South Fork Skykomish river, Tolt river, Cedar river, the Three Forks area of the Snoqualmie river, and Green river.

These rivers are also shorelines of the state. Where channel migration zones are mapped, critical area standards under K.C.C. chapter 21A.24 apply. To increase protections and reduce risks to the public, King County continues to map channel migration zones over time. King County is currently finalizing a channel migration hazard area study and map for Lower Snoqualmie river and is currently completing a channel migration study and map for the mainstem of Issaquah creek.

K. Riparian areas, formerly known as aquatic area buffers, are designated as their own critical area in this ordinance. Riparian areas provide shade and temperature control for aquatic areas, improve water quality, provide critical habitat for wildlife, and generate sources of food and habitat forming large wood. Riparian area widths are widened for all aquatic area types, including one hundred eighty feet for type S and F aquatic areas in the urban area and two hundred feet in the rural area and natural resource lands, one hundred feet for type N in all unincorporated areas, and fifty feet for type O in all unincorporated areas. Type S and F riparian area widths are within the average range of site potential tree height, consistent with state guidance. BAS indicates that there is no evidence that type N should be protected at widths less than fish-bearing streams. Within King County, ninety-eight percent of mapped stream miles are type S or F, with only two percent as

type N or O. Local circumstances and the unique land use context of the county, including growing population pressures, excess housing demand, and a small proportion of stream miles qualifying as type N, warrant widths for type N riparian areas that are increased above the existing widths but lower than type S and F riparian areas. The BAS report provides information and rationale for these widths and describes regulatory and nonregulatory actions to mitigate risk, noting that the one-hundred-foot width is sufficient to provide important riparian area functions, including ninety five percent of pollution removal for phosphorous, sediment, and most pesticides, and eighty five percent for surface nitrogen.

L. State agency BAS indicates that riparian areas should be measured from the outside edge of a channel migration zone, which accounts for protection of riparian functions in current and future locations as rivers migrate. Where mapped, riparian area protections are widened to include and extend from severe channel migration hazard area. The severe channel migration hazard area accounts for twenty-five to fifty years of channel migration. The riparian area protections in this ordinance are not extended to the moderate channel migration hazard area, which covers channel migration fifty to one hundred years in the future, and represents a departure from state agency guidance. The BAS report discusses the rationale and nonregulatory measures to mitigate risk and support measuring from the severe channel migration hazard area. One such nonregulatory measure is ongoing mapping commitments required in the Channel Migration Zone public rule, Public Rule LUD-17-1-4-PR, that is expected to lower overall risks. Map updates are expected to occur every twenty years, at a timeframe lower than that contemplated for the moderate channel migration hazard area. When

mapping changes are completed that would update the location of the severe channel migration hazard area, the riparian area would also shift according to new boundaries in the map, which would ensure greater protections over time.

M. There is an estimated thirty two thousand acres of wetlands in King County. Wetlands serve a number of functions, such as unique and critical habitat for plants and wildlife, water quality treatment, and flood storage. Wetland buffers protect plants from disturbance and provide important ecological functions. King County establishes buffer widths to provide the most flexibility for residents using a combination of wetland category, intensity of adjacent land use impacts, special characteristics, and habitat score to determine widths, consistent with Washington state Department of Ecology wetland guidance.

N. King County is aligning its regulations to meet BAS, including reviewing the list of adjacent land use impact intensities, increasing wetland buffers for Category I wetlands with special characteristics and Category IV wetlands, requiring width increases or revegetation when buffers are not well vegetated, increasing mitigation ratios where necessary, and removing allowances for filling of small Category IV wetlands.

O. Guidance from the Washington state Department of Ecology identifies the circumstances in which a buffer for a high impact use may qualify for a reduction to moderate impact. The county identified in Ordinance 19811 that within the urban growth area, housing, mixed-use development, daycares, and social services are priority land uses to serve the needs of county residents. This ordinance identifies these high impact uses as eligible for a buffer reduction to support long-term housing supply and affordability and access to necessary services for all residents.

134

135 P. Nearly six percent of mapped stream miles and seventeen percent of wetland
136 acres are located in the Agricultural zone. King County has an estimated forty-eight
137 thousand acres of farmland with forty-one thousand acres within designated Agricultural
138 Production Districts ("APDs") in the Lower Snoqualmie, Green, and Sammamish River
139 valleys, as well as on the Enumclaw Plateau. APDs were designated to protect prime
140 agricultural soils. APDs also support critically important salmon habitat and natural
141 floodplain processes.

142 Q. King County has a long-standing commitment to designate and protect
143 agricultural land and support agriculture and local food production. Despite being the
144 largest county by population in Washington state, with nearly thirty percent of the state's
145 population, King County produces a significant share of agricultural products, ranking
146 fourth among thirty-nine counties for numbers of farms and twentieth for value of
147 agricultural products sold.

148 R. Agriculture and local food production face numerous challenges including
149 rising land and operating costs, labor shortages, climate change impacts, regulatory
150 uncertainty, loss of markets, loss of federal grants and assistance, and continued
151 development pressure to convert to other uses. Many of those pressures are more
152 pronounced in King County, which has the highest land, employment, and input costs in
153 the state, which limit profitability and long-term financial sustainability, leading to a
154 decline in farming and loss of agricultural lands. The acreage of farmland in King
155 County declined by two-thirds from the 1940s, though has stabilized in recent decades
156 through regulatory and nonregulatory measures. The number of dairy farms in King

County declined from an estimated peak of over four thousand in the 1940s, to thirteen by 2025.

S. Agricultural lands are limited and irreplaceable due to their location, geological formations, chemical and organic composition, and water availability. Where other land uses or industries may be located anywhere in the county, the availability of land suitable for farming is limited in King County. King County Comprehensive Plan policies and the zoning code support the protection and preservation of agricultural lands and the viability of farming. The county and its partners implement several programs and nonregulatory measures to protect farmland, such as the farmland preservation program, transfer of development rights program, current use taxation, agricultural drainage assistance, grants and financial assistance, and technical support. Those programs and nonregulatory measures are critical to helping established farms; however, measured and thoughtful regulatory allowances can further ensure that agricultural land remains in production and is not converted to other, higher-intensity land uses.

T. Agriculture and water resources, such as aquatic areas, riparian areas, and wetlands, are both irreplaceable resources and the relationship between these two resources is complex. Increasing environmental protections to preserve water resources is necessary in order to protect against habitat and species loss, water quality degradation, and risk to life and property. King County considers environmental protections with the specific and specialized needs of local agriculture by reviewing where specific activities may occur, their size, scale, and location, as well as operational practices, to minimize impacts to critical area functions and values.

U. Under the Washington state Department of Ecology wetland framework,

agricultural uses are designated as high or moderate impact land uses, depending on the specific operation activities. According to the United States Department of Agriculture farm census, the majority of farms in King County are relatively small and average twenty nine acres, and the majority of farm operations focus on specialty crops or diversified vegetables, berries, or flowers. Of the one thousand eight hundred farms in King County, only thirteen are dairy farms. The small-scale operations found in King County rely heavily on hand-planting and hand-harvesting, which reduces soil compaction and fuel use and often incorporates no-till or no-dig practices to minimize soil disturbance, as well as actions to build soil health. Agricultural activities in King County are limited by restrictions in the zoning code, flood regulations, agricultural production districts, farmland preservation program, current use taxation program, and easements and covenants that significantly limit filling, placement of structures, impervious surfaces, residential densities and nonagricultural activities, and the overall intensity of activities. As discussed in the BAS report and based on the county's unique local circumstances, including agricultural activity trends and the current regulatory and programmatic framework surrounding agricultural activities, this ordinance continues to designate agriculture as a moderate- or low-intensity land use for the purpose of applying wetland buffers.

V. In protecting critical areas in this ordinance, King County is making a number of changes including clarifying regulatory allowances for existing commercial agriculture, recognizing intentional fallow periods of up to seven years and leasing or sales for the purposes of continuous existence, increasing environmental protections when new commercial agricultural activities are located near habitats, strengthening code

for existing commercial agriculture, and limiting structures and impervious surfaces in critical areas. This ordinance clarifies standards applied to new or expanded footprint for commercial agricultural activities to protect established native vegetation in wetlands, wetland buffers, and riparian areas.

W. Increased protections are also occurring by requiring proof of commercial agricultural production to utilize allowances and exemptions in critical areas. This new requirement would have the effect of allowing commercial agricultural production, while limiting other kinds of activities in critical areas.

X. This ordinance increases minimum buffer requirements for new livestock activities, including those with a farm plan, to better protect wetlands and wetland buffers from water quality impacts. Livestock grazing may continue to occur on farms in critical areas subject to livestock management standards. Associated livestock activities, such as livestock heavy use areas and livestock manure management areas, if allowed in critical areas, are limited in their location. Grazing area buffers, which are the areas from which livestock is excluded, are increasing from between zero and fifty feet to twenty feet and fifty feet, below those identified in state BAS guidance. As discussed in these findings and in the BAS report, comprehensive planning considerations, including the preservation of agricultural lands, local circumstances and the unique land use context of the county, warrant departure from BAS. Other regulatory standards, such as operational and location requirements and best management practices, as well as nonregulatory measures are in place to reduce impacts to critical areas. The updates continue to incentivize development of a farm management plan to inform and tailor best management practices for water quality and habitat protection to the proposed

226 agricultural uses and site conditions.

227 Y. In instances where new, conversion of existing, or expanded agricultural
228 activities are proposed in critical areas or their buffers, farm management plans and any
229 best management practices applicable to the proposed activity are required. Farm
230 management plans provide a pathway to protect valuable resource lands through site-
231 specific implementation of design practices, best management practices, education, and
232 technical assistance.

233 Z. The county seeks to monitor the progress and outcomes of farm management
234 plans in order to ensure the protection of fragile ecosystems, the preservation of prime
235 agricultural lands, and the viability of farming in King County. The council finds that
236 having data on how farm management plans support implementation of regulatory
237 flexibility, land conservation, and development of water quality best management
238 practices would help to inform monitoring, adaptive management, and future policy
239 decisions. The council intends that the departments collect information on farm
240 management plans, such as which properties have approved farm management plans, the
241 date of issuance, where the farm plan was relied upon as a condition for application of a
242 development regulation or incentives for land conservation or water quality protection,
243 and types of best management practices applied to protect critical areas on site. This
244 ordinance requires the county to update the farm management plan public rule in 2026 to
245 clarify review and approval requirements, to establish an inventory of farm management
246 plans reviewed as a condition for application of this ordinance and livestock management
247 ordinance provisions or qualification for public benefit rating system.

248 AA. The updates to critical areas regulations strengthen protections for critical

249 areas functions and values while advancing the goals of GMA, including the designation
250 and protection of resource lands and industries, housing accommodation, protection of
251 property rights, and prevention of urban sprawl, all within the unique land use and
252 development context of unincorporated King County.

253 BB. The adoption of this ordinance completes all the requirements of the update
254 required under RCW 36.70A.130.

255 CC. The complexity of regulatory updates embodied in this ordinance affects
256 property owners and applicants who are preparing development proposals for submittal to
257 King County for review. Changes proposed under this ordinance, which affect buffers,
258 development standards, farm management plans, and other components of the
259 environment, may necessitate additional preparation time for applicants to prepare
260 materials as well as for County departments to prepare guidance, update application
261 forms, or revise administrative processes. The council finds that a delayed effective date
262 of sixty-one days is necessary to prepare for the implementation of this ordinance.

263 SECTION 2.

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

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

269 C. The elements of the King County Shoreline Master Program in sections 49,
270 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,
271 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, 100, and 105.B. of this ordinance are

hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

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

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

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

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

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

308 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</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 Conse rvatio n Area, Wildli fe Habita
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									<u>Hazard Area</u>				Water Network and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P 1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((N P 3))		NP 3	((N P 4))	((N P 4))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((N 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	((N 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	((N P 25))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP

Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((N P 7))	<u>NP</u> <u>8</u>	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	((N 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	((N 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))	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP	((NP
	P	P	P	P	P	P	P	P	P	P	P	P	P
	17))	17))	17))	17))	17))	17))	17))	17))	17))	17))	17))	17))	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	((NP P 19))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27		NP 1, 2, 3				NP 1, 2, 3	((NP P 1, 2, 3))		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((NP 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	((NP 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	((NP 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	((NP 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 ((restoration)) <u>creation</u> or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((N P 21))	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas((s)) report <u>or monitoring and data collection</u>	NP 1, 2, 22	NP ((1, 2)) 22	NP ((1, 2)) 22	NP 22	NP 22	NP 22	NP ((1, 2)) 22	((N P 22))	NP 22	NP ((1, 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	((N P))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Construction and	NP	NP	NP	NP	NP		NP	((N		NP	NP	NP	

maintenance of livestock manure storage facility	((16)) 17	((16)) 17	((16)) 17	((16)) 17	((16)) 17		((16)) 17	P 16))		((16)) 17	((16)) 17	((16)) 17	
Maintenance or replacement of agricultural drainage	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
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((N 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	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((N P))	NP 13	NP	NP 13	NP 13	NP 13

consumption													
Maintenance of golf course	NP	NP	NP	NP	NP	NP	NP	((N	NP	NP	NP	NP	NP
	13	13	13	13	13	13	<u>13</u>	P))	13	13	13	13	13

E. The following conditions apply:

1. Excavation less than five feet in vertical depth((₅)) or fill less than three feet

in vertical depth that, cumulatively on a single site since January 1, 2005, does not

involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious

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)).

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

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

b. limited to removal with hand labor.

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

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

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

12. Limited to clearing conducted by or at the direction of a government agency

or by a private utility that does not involve:

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

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

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

a. The King Conservation District;

376 b. King County department of natural resources and parks;
377 c. King County department of local services, permitting division; or
378 d. Washington state Department of Fish and Wildlife.

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

382 a. consistent with an ((adopted)) approved farm management plan in
383 accordance with K.C.C. Title 21A, including any best management practices applicable
384 to the activity;

385 b. less than two-thousand square feet of impervious surface is created;
386 c. access is not more than fourteen feet wide;
387 d. there is no alternative location with less impact on critical areas and
388 associated buffers;

389 e. in compliance with the farmland dispersion requirements in the Surface
390 Water Design Manual;

391 f. located where it is least subject to risk from channel migration;
392 g. a floodplain development permit is obtained for any activity within the
393 floodplain; and

394 h. all other required state and federal permits have been obtained and activities
395 comply with these permits.

396 17. Only if consistent with an approved farm management plan in accordance
397 with K.C.C. Title 21A.

398 18. In accordance with a right-of-way construction permit.

399 19. Only within the roadway in accordance with a right-of-way construction
400 permit.

401 20. When:

402 a. conducted by a public agency;

403 b. the height of the facility is not increased;

404 c. the linear length of the facility is not increased;

405 d. the footprint of the facility is not expanded waterward;

406 e. done in accordance with the Regional Road Maintenance Guidelines;

407 f. done in accordance with the adopted King County Flood Management Plan
408 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat
409 Guidelines Program, 2002); and

410 g. monitoring is conducted for three years following maintenance or repair and
411 an annual report is submitted to the department.

412 21. Only if:

413 a. the activity is not part of a mitigation plan associated with another
414 development proposal or is not corrective action associated with a violation((;)), and
415 ~~((b. the activity is sponsored or cosponsored by a government agency that has~~
416 ~~natural resource management as its primary function and the activity is))~~ limited to((;
417 ~~(+)))~~ revegetation of the critical area and ~~((its))~~ associated buffer with native
418 vegetation or climate-adaptive plants, or the removal of noxious weeds or invasive
419 vegetation using only hand labor; or

420 b. the activity is sponsored or cosponsored by a government agency that has
421 natural resource management as its primary function and limited to:

422 (1) revegetation of the critical area and associated buffer with native
423 vegetation or climate-adaptive plants;

424 (2) the removal of noxious weeds or invasive vegetation;

425 (3) placement of weirs, log controls, spawning gravel, ~~((woody debris))~~ large
426 wood, and ~~((other specific salmonid))~~ similar fish habitat improvements; and

427 ~~((3))~~ (4) hand labor except:

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

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

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

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

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

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

442 c. within thirty feet of a residential structure containing habitable space,
443 understory clearing and tree pruning underneath a tree crown to provide up to ten feet of
444 vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed

445 one-third of the tree height;

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

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

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

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

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

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

464 24. Limited to the removal of downed trees.

465 25. Except on properties that are:

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

468 b. subject to Urban Growth Area significant tree retention standards under
469 K.C.C. 16.82.156.

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

- 472 a. King Conservation District;
- 473 b. department of natural resources and parks;
- 474 c. department of local services, permitting division; or
- 475 d. Washington state Department of Fish and Wildlife.

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

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

481 (1) all debris is removed following the pruning activity;

482 (2) the activity is authorized by a right-of-way construction permit, if
483 applicable; and

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

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

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

489 d. within thirty feet of a utility facility structure, tree removal and pruning to
490 provide up to fifteen feet of vertical clearance over driveways and roads used for

emergency vehicle access;

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

f. tree removal and pruning to provide up to ten feet between tree crowns and 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

514 Comprehensive Plan, as adopted in Ordinance 19881, and as amended by this ordinance.

515 The Comprehensive Plan shall be the principal planning document for the orderly
516 physical development of the county and shall be used to guide subarea plans, functional
517 plans, provision of public facilities and services, review of proposed incorporations and
518 annexations, development regulations, and land development decisions.

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

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

524 1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

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

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

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

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

534 g. Section 63 of this ordinance;

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

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

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

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

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

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

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

542 m. Section 72 of this ordinance;

543 n. Section 73 of this ordinance;

544 ~~((n.))~~ o. K.C.C. 21A.24.300;

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

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

547 ~~((o. K.C.C. 21A.24.310;))~~

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

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

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

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

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

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

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

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

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

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

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

559 ~~((aa.))~~ cc. K.C.C. 21A.24.388; and

560 4. The following:

561 a. K.C.C. 20.18.050;

562 b. K.C.C. 20.18.056;

563 c. K.C.C. 20.18.057;

564 d. K.C.C. 20.18.058;

565 e. K.C.C. 20.22.160;

566 f. K.C.C. 21A.32.045;

567 g. K.C.C. 21A.44.090;

568 h. K.C.C. 21A.44.100; and

569 i. K.C.C. 21A.50.030(~~and~~

570 ~~5. The 2024 King County Flood Management Plan~~)).

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

572 King County regarding areas of the county subject to shoreline jurisdiction under chapter

573 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local

574 administrative, enforcement, and permit review procedures shall conform to chapter

575 90.58 RCW but shall not be a part of the shoreline master program.

576 C. Amendments to the shoreline master program do not apply to the shoreline

577 jurisdiction until approved by the Washington state Department of Ecology ((as

578 ~~provided~~)) in accordance with RCW 90.58.090. The department of local services,

579 permitting division, shall, within ten days after the date of the Department of Ecology's

580 approval, file a copy of the Department of Ecology's approval, in the form of an

581 electronic copy, with the clerk of the council, who shall retain the original and provide

582 electronic copies to all councilmembers, the chief of staff, and the lead staff of the local

services and land use committee or its successor.

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

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

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

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

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five

points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~th~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may

not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local 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.

652 The enhancement plan is subject to approval by the department; and
653 d. The owner shall annually provide to the department a monitoring report
654 detailing the enhancement efforts' success for five years following enrollment. The
655 owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190.
656 The monitoring report shall describe the progress and success of the enhancement project
657 and shall include photographs to document the success. Land receiving credit for this
658 category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration
659 ~~((categories))~~ category;

660 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-
661 pedestrian-bicycle trail linkage" means land in private ownership that the property owner
662 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other
663 active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link
664 from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on
665 trails receiving a tax reduction for this category, except for maintenance or for medical,
666 public safety, or police emergencies. Public access is required only on that portion of the
667 property containing the trail. The landowner may impose reasonable restrictions on
668 access that are mutually agreed to by the landowner and the department, such as limiting
669 use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the
670 owner shall provide a trail easement to an appropriate public or private entity acceptable
671 to the department. The easement shall be recorded with the King County recorder's
672 office or its successor. In addition to the area covered by the trail easement, adjacent land
673 used as pasture, barn, or stable area and any corral or paddock may be included, if an
674 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;

744 11. Public recreation area - five points. "Public recreation area" means land
745 devoted to providing active or passive recreation use or that complements or substitutes
746 for recreation facilities characteristically provided by public agencies. Use of motorized
747 vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for
748 medical, public safety, or police emergencies. The facilities shall be open to the general
749 public or to specific public user groups, such as youth, seniors, or people with disabilities.
750 A property shall be identified by the responsible agency within whose jurisdiction the
751 property is located as meeting the definition of public recreation area. The property
752 owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged
753 for use, it shall be comparable to the fee charged by a similar public facility;

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

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

763 13. ~~((Rural stewardship land - five points. "Rural stewardship land" means land
764 zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural
765 stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-
766 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

790 scenic natural or recognized cultural resource. The site shall contain at least one acre of
791 open space that contributes to a view corridor visible to the public and that provides
792 views of a scenic natural resource area or recognized cultural resource significant to the
793 local area. The site shall have ~~((a))~~ significant cultural areas and contain significant
794 inventoried or designated historic properties, as determined by the King County historic
795 preservation officer or officer of another certified local government program in the
796 jurisdiction in which the property is located in. Eligibility is subject to determination by
797 the department or applicable jurisdiction;

798 ~~((15.))~~ 14. Significant plant or ecological site - five points. "Significant plant or
799 ecological site" means an area that meets the criteria for Element Occurrence established
800 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An
801 Element Occurrence is a particular, on-the-ground observation of a rare species or
802 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington
803 Natural Heritage Program or be identified as a property that meets the criteria for an
804 Element Occurrence. The identification shall be confirmed by a qualified expert
805 acceptable to the department in order to qualify. The department shall notify the
806 Washington Natural Heritage Program of any verified Element Occurrence on an
807 enrolling property. Commercial nurseries, arboretums, or other maintained garden sites
808 with native or nonnative plantings are ineligible for this category;

809 ~~((16.))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

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

811 (1) an area used by animal species listed as endangered, threatened, sensitive,
812 or candidate by the Washington state Department of Fish and Wildlife or Department of

813 Natural Resources or used by species of local ~~((significance))~~ importance that are listed
814 by the King County Comprehensive Plan or a local jurisdiction;

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

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

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

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

831 ~~((17.))~~ 16. Special animal site - three points. "Special animal site" means a site
832 that includes a wildlife habitat network identified by the King County Comprehensive
833 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A
834 RCW, or a biodiversity area and corridor identified by the Washington state Department
835 of Fish and Wildlife's priority habitats and species project as of the date of the application

as identified by King County or local or state jurisdiction or by expert verification 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;

859 (2) the land protects streams or water supply;

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

861 marshes;

862 (4) the land enhances the value to the public of adjacent parks, forests,

863 wildlife preserves, nature reservations or sanctuaries, or other open space;

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

865 (6) the land preserves visual quality along highways, roads, and streets or

866 scenic vistas.

867 b. Owners of noncontiguous properties that together meet the minimum

868 acreage requirement may jointly apply under this category if each property is closer than

869 seventy-five feet to one other property in the application and if each property contains an

870 enrolling open space area at least as large as the minimum zoned lot size; and

871 ~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area"

872 means property contributing to the forest cover that provides run-off reduction and

873 groundwater protection. The property shall consist of contiguous native forest or be in

874 the process of reforestation. The enrolling forested area shall consist of additional forest

875 cover beyond that required by county or applicable local government regulation and shall

876 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If

877 reforestation or improvements to the forest health are necessary, the property owner shall

878 provide and implement an ecological enhancement, a forest stewardship, or resource

879 restoration(~~((, or rural stewardship))~~) plan that addresses this need and is acceptable to the

880 department.

881 D. Property qualifying for an open space category in subsection C. of this section

may receive credit for additional points as follows:

1. Conservation easement or historic preservation easement - eighteen points.

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

2. Contiguous parcels under separate ownership - two points.

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

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

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

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

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

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

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

962 5. Resource restoration – five points. "Resource restoration" means restoration
963 of an enrolling area of property benefiting an area in an open space resource category.
964 Emphasis is placed on the restoration of native vegetation associated with anadromous
965 fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and
966 wetland habitats. The owner shall provide and implement a restoration plan approved by
967 the department. The plan may be developed in cooperation with a natural resource expert
968 or agency. The approved restoration plan shall, at a minimum, include a purpose
969 statement, a description of restoration work to be done, a detailed site map of the area to
970 be restored, a specific timeline for the restoration activities to be completed and a
971 monitoring schedule for the restoration project's first five years. Historic resource
972 restoration is subject to approval by the King County historic preservation officer or
973 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).

997 3. The county adopts the following thresholds for minor new construction under
 998 WAC 197-11-800(1):
 999 a. The construction or location of ~~((any residential structures of))~~ up to twenty
 1000 dwelling units within the ~~((boundaries of an u))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area~~((;))~~ or ~~((of~~
 1001 ~~any residential structures of))~~ up to eight dwelling units outside ~~((of))~~ the ~~((boundaries of~~
 1002 ~~an u))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area;
 1003 b. The construction of a barn, loafing shed, farm equipment storage building,
 1004 produce storage or packing structure, or similar agricultural structure, covering up to
 1005 thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square
 1006 feet in all other zones, and to be used only by the property owner or agent in the conduct
 1007 of farming the property. This exemption shall not apply to feed lots;
 1008 c. The construction of an office, school, commercial, recreational, service, or
 1009 storage building with up to twelve thousand square feet of gross floor area, and with
 1010 associated parking facilities designed for up to forty automobiles;
 1011 d. The construction of a parking lot designed for up to forty automobiles; and
 1012 e. ~~((Any f))~~ Fill or excavation ~~((of))~~ as follows:
 1013 (1) up to five hundred cubic yards throughout the total lifetime of the fill or
 1014 excavation ((and)) for activities not otherwise specified in this section;
 1015 (2) any fill or excavation necessary for the projects in subsections A.3.a.
 1016 through A.3.d. of this section;
 1017 (3) any fill or excavation classified as a class I, II, or III forest practice under
 1018 RCW 76.09.050 or regulation thereunder((: The categorical exemption threshold shall
 1019 be)); and

1020 (4) up to one hundred cubic yards for any fill or excavation that is in ((an
1021 ~~aquatic area, wetland,~~) a steep slope, ((or)) landslide, or alluvial fan hazard area. ((If the
1022 ~~proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope~~
1023 ~~or landslide hazard area to correct a violation, the threshold shall be five hundred cubic~~
1024 ~~yards.))~~

1025 2.)) 4. The determination of whether a proposal is categorically exempt shall be
1026 made by the county department that serves as lead agency for that proposal.

1027 B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as
1028 follows:

1029 1. If the department issues a mitigated DNS, conditions requiring compliance
1030 with the mitigation measures which were specified in the application and environmental
1031 checklist shall be deemed conditions of any decision or recommendation of approval of
1032 the action.

1033 2. If at any time the proposed mitigation measures are withdrawn or
1034 substantially changed, the responsible official shall review the threshold determination
1035 and, if necessary, may withdraw the mitigated DNS and issue a DS.

1036 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06
1037 a new section to read as follows:

1038 Active nest: a nest or breeding site that is actively being used, built, or repaired
1039 by birds.

1040 SECTION 9. Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039
1041 are hereby amended to read as follows:

1042 Agricultural products: products that include, but are not limited to:

- 1043 A. Horticultural, viticultural, floricultural, and apiary products;
- 1044 B. Livestock and livestock products;
- 1045 C. Animal products, including, but not limited to, upland finfish, dairy products,
- 1046 meat, poultry, and eggs;
- 1047 D. Feed or forage for livestock;
- 1048 E. ~~((Christmas-t))Trees((,-hybrid cottonwood and similar hardwood trees))~~ grown
- 1049 as crops and harvested within twenty years of planting; and
- 1050 F. Turf, sod, seed, and related products.

1051 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter

1052 21A.06 a new section to read as follows:

1053 Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a

1054 stream flows or has flowed out of an upland onto a flat plain or valley floor due to a

1055 sudden change in sediment transport capacity, such as a significant change in slope or

1056 confinement.

1057 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter

1058 21A.06 a new section to read as follows:

1059 Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural

1060 hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan

1061 hazard areas are a type of geological hazard area.

1062 SECTION 12. Ordinance 15051, Section 7, as amended, and K.C.C.

1063 21A.06.072C are hereby amended to read as follows:

1064 A. Aquatic areas include:

1065 1. ~~((Nonwetland-w))~~Water features ~~((including: all))~~, such as shorelines of the

state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water(~~(, such as lakes, ponds and reservoirs))~~);

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

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

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

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

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

Aquatic area functions: the physical, biological, chemical, and geologic interactions among different components of the environment that occur within aquatic areas. Aquatic area functions include, but are not limited to, functions that improve water quality, functions that provide for the availability of surface water and groundwater by acting as recharge and discharge areas, functions to allow the conveyance of water,

1089 sediment, organisms, and other organic matter, functions that facilitate food chain
1090 production and nutrient cycling, and functions that provide habitat for plants and animals,
1091 including nesting, rearing, feeding, and resting habitat.

1092 SECTION 14. Ordinance 10870, Section 70, as amended, and K.C.C.

1093 21A.06.122 are hereby amended to read as follows:

1094 Buffer: a designated area contiguous to a ~~((steep slope or landslide hazard area~~
1095 ~~intended to protect slope stability, attenuation of surface water flows and landslide~~
1096 ~~hazards or a designated area contiguous to and))~~ critical area that is intended to protect
1097 ~~and be ((an)) integral ((part of an aquatic area or wetland))~~ to the functions and values of
1098 the critical area and reduce impacts from adjacent land uses.

1099 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter

1100 21A.06 a new section to read as follows:

1101 Climate-adaptive plants: native plant species or variants that are from western
1102 North American climates expected to be analogous to the Puget Sound region that are
1103 predicted to survive under changing climate conditions.

1104 SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C.

1105 21A.06.200 are hereby amended to read as follows:

1106 Coal mine hazard area: an area directly underlain, adjacent to, or ~~((directly))~~
1107 affected by operative or abandoned subsurface coal mine workings such as adits, tunnels,
1108 drifts, or air shafts.

1109 SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby

1110 amended to read as follows:

1111 Critical aquifer recharge area: an area with a critical recharging effect on aquifers

1112 used for potable water or areas where an aquifer is susceptible to reduced recharge, and
1113 designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ~~((that~~
1114 ~~has))~~. Critical aquifer recharge areas include areas with a high susceptibility to ground~~((~~
1115 ~~))~~water contamination or an area of medium susceptibility to ground~~((~~)water
1116 contamination that is located within a sole source aquifer or within an area approved in
1117 accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or
1118 district drinking water system, or an area over a sole source aquifer and located on ~~((an~~
1119 ~~island surrounded by saltwater))~~ Vashon-Maury Island. Susceptibility to ground~~((~~
1120 ~~))~~water contamination occurs where there is a combination of permeable soils, permeable
1121 subsurface geology and ground~~((~~)water close to the ground surface.

1122 SECTION 18. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby
1123 amended to read as follows:

1124 Critical area: any area that is subject to natural hazards or a land feature that
1125 supports unique, fragile, or valuable natural resources including fish, wildlife, or other
1126 organisms or their habitats or such resources that carry, hold, or purify water in their
1127 natural state. "Critical area" includes the following areas:

- 1128 A. ~~((Aquatic areas;~~
1129 ~~B. Coal mine hazard areas;~~
1130 ~~C.))~~ Critical aquifer recharge areas;
1131 ~~((D. Erosion hazard areas;~~
1132 ~~E. Flood hazard areas;~~
1133 ~~F. Landslide hazard areas;~~
1134 ~~G. Seismic hazard areas;~~

1135 ~~H. Steep slope hazard areas;~~
1136 ~~I. Volcanic hazard areas;~~
1137 ~~J.))~~ B. Frequently flooded areas, regulated as flood hazard areas, including:
1138 1. Floodplains;
1139 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;
1140 3. Zero-rise flood fringe;
1141 4. Zero-rise floodways;
1142 5. FEMA floodways; and
1143 6. Channel migration zones;
1144 C. Fish and wildlife habitat conservation areas, including:
1145 1. Aquatic areas;
1146 2. Riparian areas;
1147 3. Wildlife habitat conservation areas; and
1148 4. Wildlife habitat networks;
1149 D. Geologically hazardous areas, including:
1150 1. Alluvial fan hazard areas;
1151 2. Channel migration zones;
1152 3. Coal mine hazard areas;
1153 4. Erosion hazard areas;
1154 5. Landslide hazard areas;
1155 6. Seismic hazard areas;
1156 7. Steep slope hazard areas;
1157 8. Tsunami hazard areas; and

1158 9. Volcanic hazard areas; and
1159 E. Wetlands((;
1160 ~~K. Wildlife habitat conservation areas; and~~
1161 ~~L. Wildlife habitat networks))~~.
1162 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter
1163 21A.06 a new section to read as follows:
1164 Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within
1165 shorelines of the state, and floodplains designated as shorelines of the state in the
1166 shoreline master program.
1167 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter
1168 21A.06 a new section to read as follows:
1169 Debris flow: a moving mass of rock fragments, soil, and mud, where more than
1170 half of the particles are larger than sand size.
1171 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter
1172 21A.06 a new section to read as follows:
1173 Ecological professional: a person having a degree in ecology, wildlife biology,
1174 wetland biology, fisheries, botany, soil science, environmental science, natural resource
1175 management, or a closely related field, with a minimum of five years of professional
1176 experience related to the subject ecological field. Professional certification in a relevant
1177 ecological field can be substituted for two years of professional experience.
1178 SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C.
1179 21A.06.415 are hereby amended to read as follows:
1180 Erosion hazard area: ((~~an~~)) a geologically hazardous area underlain by soils that

1181 ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are
1182 not limited to~~((;))~~;

1183 A. ~~((t))~~ Those classified as having a severe to very severe erosion hazard
1184 according to the United States Department of Agriculture ~~((Soil))~~ Natural Resources
1185 Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King
1186 County Soils Survey or any subsequent revisions or addition by or to these sources ~~((such~~
1187 ~~as))~~;

1188 B. ~~((a))~~ Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

1189 C. ~~((a))~~ Any of the following when they occur on slopes inclined at fifteen percent
1190 or more:

1191 ~~((A. The))~~ 1. Alderwood gravely sandy loam ("AgD");

1192 ~~((B. The))~~ 2. Alderwood and Kitsap soils ("AkF");

1193 ~~((C. The))~~ 3. Beausite gravely sandy loam ("BeD" and "BeF");

1194 ~~((D. The))~~ 4. Kitsap silt loam ("KpD");

1195 ~~((E. The))~~ 5. Ovall gravely loam ("OvD" and "OvF");

1196 ~~((F. The))~~ 6. Ragnar fine sandy loam ("RaD"); and

1197 ~~((G. The))~~ 7. Ragnar-Indianola Association ("RdE").

1198 SECTION 23. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby
1199 amended to read as follows:

1200 Farm field access drive: a~~((n))~~ paved or impervious ~~((surface constructed to~~
1201 ~~provide a fixed))~~ route or path used for moving livestock, produce, equipment, or
1202 supplies to and from farm fields, and farm structures for agricultural activities.

1203 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter

1204 21A.06 a new section to read as follows:

1205 Fish and wildlife habitat conservation areas:

1206 A. Areas that serve a critical role in sustaining needed habitats and species for the
1207 functional integrity of the ecosystem, and which, if altered, may reduce the likelihood
1208 that the species will persist over the long term. These areas may include, but are not
1209 limited to, rare or vulnerable ecological systems, communities, and habitat or habitat
1210 elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas,
1211 wildlife habitat network, and areas with high population density or species richness.

1212 B. Fish and wildlife habitat conservation areas do not include artificial water
1213 carrying features or constructs such as irrigation delivery systems, irrigation
1214 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and
1215 are maintained by, a port district or an irrigation district or company.

1216 SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby
1217 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

1218 SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby
1219 amended to read as follows:

1220 ~~((Habitat, f))~~ Fish habitat: habitat that is used by native fish species, including
1221 anadromous or resident salmonids, at any life stage at any time of the year ~~((including~~
1222 ~~potential habitat likely to be used by anadromous or resident salmonids))~~. "Fish habitat"
1223 includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal
1224 channels, and potential habitat that is upstream ~~((of,))~~ or landward of ~~((;))~~ human-made
1225 barriers that could be accessible to ~~((, and))~~ or ~~((could be))~~ used by ~~((;))~~ fish upon removal
1226 of the barriers. ~~((This includes off-channel habitat, flood refuges, tidal flats, tidal~~

1227 ~~channels, streams and wetlands.))~~

1228 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter

1229 21A.06 a new section to read as follows:

1230 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or
1231 other geological events. Areas classified as geologically hazardous areas include:

1232 A. Alluvial fan hazard areas;

1233 B. Channel migration zones;

1234 C. Coal mine hazard areas;

1235 D. Erosion hazard areas;

1236 E. Landslide hazard areas;

1237 F. Seismic hazard areas;

1238 G. Steep slope hazard areas;

1239 H. Tsunami hazard areas; and

1240 I. Volcanic hazard areas.

1241 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter

1242 21A.06 a new section to read as follows:

1243 Geological professional: a geotechnical engineer or geologist, licensed in
1244 Washington state and experienced in analyzing geologic, hydrologic, and groundwater
1245 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1246 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter

1247 21A.06 a new section to read as follows:

1248 Grazing area buffer: a designated area contiguous to a wetland or aquatic area
1249 from which livestock are excluded.

1250 SECTION 30. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby
1251 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1252 SECTION 31. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are
1253 hereby amended to read as follows:

1254 ~~((Free, hazard))~~ Hazard tree: any tree with a structural defect, combination of
1255 defects or disease resulting in structural defect that, under the normal range of
1256 environmental conditions at the site, will result in the loss of a major structural
1257 component of that tree in a manner that will:

1258 A. Damage a ~~((residential structure))~~ building, ~~((or))~~ accessory structure, or
1259 parking for a residential use, place of employment, ~~((or))~~ public assembly ~~((or approved~~
1260 ~~parking for a residential structure or accessory structure or place of employment or public~~
1261 ~~assembly))~~;

1262 B. Damage a ~~((n-approved))~~ road or utility facility; or

1263 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1264 SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C.
1265 21A.06.680 are hereby amended to read as follows:

1266 Landslide hazard area: an area subject to severe risk of landslide, such as:

1267 A. An area with a combination of:

- 1268 1. Slopes steeper than fifteen percent of inclination;
1269 2. Impermeable soils, such as silt and clay, frequently interbedded with granular
1270 soils, such as sand and gravel; and

1271 3. Springs or ground water seepage;

1272 B. An area that has shown movement during the Holocene epoch, which is from

1273 ten thousand years ago to the present, or that is underlain by mass wastage debris from
1274 that epoch;

1275 C. Any area potentially unstable as a result of rapid stream incision, stream bank
1276 erosion or undercutting by wave action;

1277 D. An area that shows evidence of or is at risk from snow avalanches; or

1278 E. An area located on an alluvial fan(~~(, presently or potentially subject to)~~) that is
1279 susceptible to episodic inundation ((by debris flows or deposition of stream-transported
1280 sediments)) sedimentation, and erosional impacts.

1281 SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C.

1282 21A.06.750 are hereby amended to read as follows:

1283 Mitigation: an action taken to compensate for (~~(adverse)~~) unavoidable impacts to
1284 the environment resulting from a development activity or alteration after avoidance and
1285 mitigation sequencing is applied.

1286 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter
1287 21A.06 a new section to read as follows:

1288 Notice of map amendment:

1289 A. A letter issued by the department of natural resources and parks indicating that
1290 the classification of a critical area has been changed on one of the following critical areas
1291 maps adopted by ordinance or public rule:

1292 1. Critical aquifer recharge areas;

1293 2. Wildlife habitat networks;

1294 3. Channel migration zones; or

1295 4. Flood hazard areas.

1296 B. The notice of map amendment may indicate that an area has been reclassified,
 1297 declassified, or newly classified as a critical area.

1298 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter
 1299 21A.06 a new section to read as follows:

1300 Revegetation: the reestablishment of vegetation within an area that is well suited to
 1301 thrive in the area.

1302 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter
 1303 21A.06 a new section to read as follows:

1304 Riparian area: a designated area contiguous to an aquatic area that provides fish and
 1305 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects
 1306 water quality. Riparian areas protect the functions and values of aquatic areas and reduce
 1307 impacts from adjacent land uses through various physical, chemical, or biological processes.

1308 SECTION 37. Ordinance 10870, Section 243, as amended, and K.C.C.
 1309 21A.06.1015 are hereby amended to read as follows:

1310 Salmonid: a fish native to the Puget Sound region that is a member of the fish
 1311 family Salmonidae, including(~~(, but not limited to)~~):

1312 A. Chinook, coho, chum, sockeye, and pink salmon;

1313 B. Rainbow, steelhead, and cutthroat (~~((salmon, which are also known as))~~) trout;

1314 C. (~~Brown trout;~~

1315 ~~D. Brook, b))~~ Bull trout, which is (~~((also known as))~~) a type of char, and Dolly
 1316 Varden char;

1317 (~~((E.))~~) D. Kokanee; (~~and~~

1318 ~~F.))~~ E. Pygmy whitefish; and

1319 F. Mountain whitefish.

1320 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter

1321 21A.06 a new section to read as follows:

1322 Special flood hazard area or area of special flood hazard: the land subject to
1323 inundation by the base flood. Special flood hazard areas ("SFHA") are designated on
1324 flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and
1325 VE.

1326 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter

1327 21A.06 a new section to read as follows:

1328 Species of local importance: a species designated in the Comprehensive Plan to be
1329 of local concern due to their population status, sensitivity to habitat alteration, or that is a
1330 game species.

1331 SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C.

1332 21A.06.1240 are hereby amended to read as follows:

1333 Stream: an aquatic area where surface water produces a channel, not including a
1334 wholly artificial channel((;)) unless ((#)) the artificial channel is:

1335 A. Used by ((salmonids)) fish; or

1336 B. Used to convey a stream or wetland that occurred naturally before
1337 construction of the artificial channel.

1338 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter

1339 21A.06 a new section to read as follows:

1340 Tsunami hazard area: a geologically hazardous area susceptible to flooding,
1341 inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but

1342 not limited to, tsunami hazard areas shown on the Washington Geological Survey Digital
1343 Data Series 22, version 2.1, October 2024, and V1-V30, VE, or V zones shown on the Flood
1344 Insurance Rate Maps.

1345 SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C.

1346 21A.06.1370 are hereby amended to read as follows:

1347 Volcanic hazard area: ~~((an))~~ a geologically hazardous area subject to pyroclastic
1348 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,
1349 or related flooding resulting from volcanic activity on Mount Rainier, delineated based
1350 on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

1351 SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are
1352 hereby amended to read as follows:

1353 Wetland:

1354 A. An area that is inundated or saturated by ground or surface water at a
1355 frequency and duration sufficient to support, and under normal circumstances does
1356 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1357 B. Wetlands generally include swamps, marshes, bogs, and similar areas.
1358 Wetlands may include those artificial wetlands intentionally created from nonwetland
1359 areas created to mitigate conversion of wetlands.

1360 C. Wetlands do not include those artificially created wetlands intentionally
1361 created from nonwetlands sites, including, but not limited to:

- 1362 1. Surface water conveyances for drainage or irrigation;
1363 2. Grass-lined swales;
1364 3. Canals;

1365 4. Detention facilities such as flow control facilities or wetponds;
1366 5. Wastewater treatment facilities;
1367 6. Farm ponds;
1368 7. Landscape amenities; or
1369 ((9.)) 8. Those wetlands created after July 1, 1990, that were unintentionally
1370 created as a result of the construction of a road, street, or highway.

1371 SECTION 44. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are
1372 hereby amended to read as follows:

1373 Wetland functions: ~~((natural processes performed by wetlands including~~
1374 ~~functions which are important in facilitating food chain production, providing habitat for~~
1375 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~
1376 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~
1377 ~~aquifers and moderating surface and storm water flows, as well as performing other~~
1378 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~
1379 physical, biological, chemical, and geologic interactions among different components of
1380 the environment that occur within a wetland. Wetland functions include, but are not
1381 limited to, functions that improve water quality, functions that change the water regime in
1382 a watershed such as flood storage, and functions that provide habitat for plants and
1383 animals.

1384 NEW SECTION. SECTION 45. There is hereby added to K.C.C. chapter
1385 21A.06 a new section to read as follows:

1386 Wetland values: estimates of the worth, merit, quality, or importance of wetland
1387 processes, characteristics, or attributes that are considered to benefit society. Values vary

1388 by watershed or by community. Examples of wetland values include education, research,
1389 aesthetics, and recreation.

1390 NEW SECTION. SECTION 46. There is hereby added to K.C.C. chapter
1391 21A.06 a new section to read as follows:

1392 Wildlife lighting: exterior lighting designed and installed to reduce impacts to
1393 wildlife.

1394 SECTION 47. Ordinance 10870, Section 448, as amended, and K.C.C.
1395 21A.24.010 are hereby amended to read as follows:

1396 The purpose of this chapter is to implement the goals and policies of the Growth
1397 Management Act, chapter 36, 70A RCW, Washington state Environmental Policy Act,
1398 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for
1399 protection of the natural environment and the public health and safety by:

1400 A. Establishing development and alteration standards to protect functions and
1401 values of critical areas;

1402 B. Protecting members of the general public and public resources and facilities
1403 from injury, loss of life, property damage, or financial loss due to flooding, erosion,
1404 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil
1405 subsidence, or steep slope failures;

1406 C. Protecting unique, fragile, and valuable elements of the environment,
1407 including, but not limited to, fish and wildlife and their habitats, and maintaining and
1408 promoting countywide native biodiversity;

1409 D. Requiring avoidance and mitigation sequencing, including mitigation of
1410 ~~((unavoidable))~~ impacts to critical areas~~((, by regulating alterations in or near critical~~

1411 ~~areas))~~ and associated buffers;

1412 E. Preventing cumulative adverse environmental impacts on water availability,
1413 water quality, ground~~((--))~~water, wetlands, and aquatic areas;

1414 F. Measuring the quantity and quality of wetland and aquatic area resources and
1415 ~~((preventing overall))~~ ensuring no net loss of wetland, ((and)) aquatic area, and riparian
1416 area functions and values;

1417 G. Protecting the public trust as to navigable waters, aquatic resources, and fish
1418 and wildlife and their habitat;

1419 H. Meeting the requirements of the National Flood Insurance Program and
1420 maintaining King County as an eligible community for federal flood insurance benefits;

1421 I. Alerting members of the public including, but not limited to, appraisers,
1422 owners, potential buyers, or lessees to the development limitations of critical areas;
1423 ~~((and))~~

1424 J. Providing county officials with sufficient information ~~((to protect))~~ at the time
1425 of permit application submittal to determine whether proposed land uses, activities, or
1426 development could negatively impact critical areas; and

1427 K. Providing clear and objective standards, application requirements, and review
1428 processes for the administration of critical areas protection.

1429 SECTION 48. Ordinance 10870, Section 449, as amended, and K.C.C.

1430 21A.24.020 are hereby amended to read as follows:

1431 A. This chapter applies to all land uses and alterations in King County, and all
1432 persons within the county shall comply with this chapter.

1433 B. King County shall not approve any permit or otherwise issue any authorization

1434 to alter the condition of any land, water, or vegetation or to construct or alter any
1435 structure or improvement without first ensuring compliance with this chapter.

1436 C. The presence of a critical area on a site shall require compliance with this
1437 chapter regardless of whether a critical area or buffer is depicted on a notice on title or
1438 critical area map.

1439 D. Approval of a development proposal in accordance with this chapter does not
1440 discharge the obligation of the applicant to comply with this chapter.

1441 ~~((D.))~~ E. When ~~((any other chapter))~~ another provision of the King County Code
1442 conflicts with this chapter or when the provisions of this chapter are in conflict, the
1443 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~
1444 critical areas shall apply unless specifically provided otherwise in this chapter or unless
1445 the provision conflicts with federal or state laws or regulations.

1446 ~~((E.))~~ F. This chapter applies to all forest practices over which the county has
1447 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

1448 SECTION 49. Ordinance 15051, Section 137, as amended, and K.C.C.
1449 21A.24.045 are hereby amended to read as follows:

1450 A. ~~((Within the following seven critical areas and their buffers a))~~ All alterations
1451 ~~((are allowed if the alteration complies))~~ that comply with the development standards,
1452 ~~((impact))~~ avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable
1453 requirements ~~((established))~~ in this chapter are allowed within the following critical areas
1454 and their buffers:

- 1455 1. Critical aquifer recharge areas;
- 1456 2. Coal mine hazard areas;

1457 3. Erosion hazard areas;

1458 4. Flood hazard areas ~~((except in))~~ outside of the severe channel migration

1459 hazard areas;

1460 5. Landslide hazard areas under forty percent slope;

1461 6. Moderate channel migration hazard area;

1462 7. Seismic hazard areas; ~~((and~~

1463 7.)) 8. Tsunami hazard areas; and

1464 9. Volcanic hazard areas.

1465 B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed

1466 as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the

1467 table in subsection C. of this section are allowed if the alteration complies with

1468 conditions in subsection D. of this section, ~~((and))~~ the development standards, ~~((impact))~~

1469 avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable requirements

1470 established in this chapter:

1471 1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;

1472 2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;

1473 3. ~~((Steep slope hazard area))~~ Landslide hazard areas over forty percent slope;

1474 4. ~~((Wetland))~~ Riparian areas;

1475 5. ~~((Aquatic area))~~ Severe channel migration hazard areas;

1476 6. ~~((Wildlife habitat conservation area; and))~~ Steep slope hazard areas;

1477 7. ~~((Wildlife habitat network))~~ Wetlands;

1478 8. Wildlife habitat conservation areas; and

1479 9. Wildlife habitat networks.

1480 C. Alteration allowances ~~((F))~~ in the following table shall be interpreted as
 1481 follows:

1482 1. If a cell is blank, the alteration is prohibited in the given critical area;
 1483 2. An "A" in a cell indicates that an alteration is allowed if the listed conditions
 1484 and any applicable requirements in this chapter are met;
 1485 3. A number in a cell indicates that the numbered condition in subsection D. of
 1486 this section applies;
 1487 4. Where a series of numbers separated by commas are in a cell, each of the
 1488 applicable numbered conditions for that alteration applies;
 1489 5. Where more than one letter-number combination appears in a cell, the
 1490 conditions of at least one letter-number combination shall be met;
 1491 6. In cases where an ~~((activity))~~ alteration is included in more than one
 1492 ~~((activity))~~ category, ~~((the numbered conditions applicable to))~~ the most specific
 1493 description of the ~~((activity))~~ alteration shall govern~~((s. Where more than one numbered~~
 1494 ~~condition appears for a listed activity, each of the relevant conditions specified for that~~
 1495 ~~activity within the given critical area applies.))~~; and
 1496 7. For alterations involving more than one critical area, compliance with the
 1497 conditions applicable to each critical area is required.

((A= alternation is allowed	<u>Steep</u>	<u>Alluvi</u>	((Steep	Wetlan	Aquatic	Wildlife
Numbers indicate applicable	<u>Slope</u>	<u>al Fan</u>	<u>Slope</u>	d and	Areas	Habitat
development condition in	<u>and</u>	<u>Hazard</u>	<u>Hazard</u>	Buffer	((and	Conserv
subsection D. of this section.))	Landslid	<u>Areas</u>	<u>and</u>		<u>Buffer</u>),	ation
	e Hazard		<u>Buffer</u>))		<u>Riparian</u>	Areas
	<u>Areas</u>		<u>Severe</u>		<u>Areas</u>	and

	Over 40% <u>Slope</u> and Buffers		<u>Channel</u> <u>Migration</u> n <u>Hazard</u> <u>Area</u>		((and Severe Channel Migration))	Wildlife Habitat Networks
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	<u>A 6</u>	A <u>6</u>	A	A	A 4
Expansion ((or replacement)) of existing structure	((A 5, 7))	<u>A 6</u>	A ((5, 7)) <u>6</u>	A 7((5, 8))	A ((6, 7)) 7((5, 8))	A 4, 7
<u>Replacement of existing structure</u>	<u>A 5</u>			<u>A 8</u>	<u>A 8</u>	<u>A 4, 8</u>
Interior remodeling	A	<u>A</u>	A	A	A	A
Construction of new dock or pier				A 9	A ((9, 10)) 10((9, 11))	
Maintenance, repair or replacement of dock or pier				A ((12)) 2	A 10((9, 11))	A 4
Grading						
Grading	<u>A 13</u> <u>A 14</u>	<u>A 14</u>	A ((13)) <u>14</u>	<u>A 14</u>	A 14	A 4, 14
Construction of new slope	A 15	<u>A 15</u>	A 15	A 15	A 15	A 4, 15

stabilization	<u>A 16</u>	<u>A 16</u>	<u>A 16</u>	<u>A 16</u>	<u>A 16</u>	<u>A 4, 16</u>
Maintenance of existing slope stabilization	<u>A 15</u> <u>A 16</u>	<u>A 15</u> <u>A 16</u>	A ((13)) <u>16</u> <u>A 17</u>	<u>A 16</u> <u>A 17</u>	A 16((7)) <u>A 17</u>	A 4
Mineral extraction	A		((A))			
Clearing						
Clearing	A 18	<u>A 18</u>	A 18 <u>A 20</u>	A 18((7)) <u>A 20</u>	A ((14)) 18((7)) <u>A 20</u>	A 4, ((14)) 18 <u>A 4, 20</u>
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 ((plat)) <u>land division</u>				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 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 <u>14, 28</u> <u>A 28</u>	<u>A 14, 28</u> <u>A 28</u>	A <u>14, 28</u> A 28	A <u>14</u> 28 A 28	A <u>14, 28</u>	A <u>14, 28</u> 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, 39</u>	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16 ((7)) <u>A 17</u>	<u>A 16</u> <u>A 17</u>	A 16 ((7)) <u>A 17</u>	A 16 ((7))	A 16 ((7)) <u>A 17</u>	A 16, <u>27</u>

				<u>A 17</u>		<u>A 17</u> , 27
Construction of a new bridge	A 16, 39	<u>A 16</u> , 39	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((<u>5</u>)) <u>A 17</u>	<u>A 16</u> , 31 <u>A 17</u> , 31	A 16, <u>31</u> <u>A 17</u> , 31	A 16, 31 <u>A 17</u> , 31	<u>A 16, 31</u> <u>A 17</u> , 31	A ((4)) <u>27</u>
Utilities and other infrastructure						
Construction of new utility corridor or utility facility	A 32((<u>5</u>)) <u>A 33</u>	<u>A 32</u> , 34 <u>A 33</u> , 34	A 32, ((33)) 34	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> , 67	A ((67)) <u>66</u>	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32((<u>5</u>)) <u>A 33</u>	<u>A 29</u> , 33 <u>A 32</u>	A <u>29</u> <u>A 32</u> ((<u>5</u> 33))	A <u>29</u> <u>A 32</u> ((<u>5</u> 60))	A <u>29</u> <u>A 32</u> ((<u>5</u> 60))	A 27, <u>29</u> <u>A 27</u> , 32((<u>5</u> 60))
Maintenance, repair or replacement of utility corridor	A 32((<u>5</u>)) <u>A 33</u>	<u>A 32</u> <u>A 33</u>	A 32, ((33)) <u>A</u>	A 32((<u>5</u>))	A 32((<u>5</u>)) <u>A 34</u> ((<u>5</u>))	A 4, 32 <u>A 4</u> , 37

or utility facility			<u>34</u> <u>A 36</u>	<u>A</u> 34((,)) <u>A 36</u>	<u>A 36</u>	
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 replacement of existing 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((,)) <u>A 33</u>	<u>A 32,</u> <u>38</u> <u>A 33,</u> <u>38</u>	A 32, ((33)) <u>38</u>	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A <u>32</u> <u>A 33</u>	<u>A 16</u> <u>A 32</u> <u>A 33,</u> <u>38, 40,</u> <u>41</u>	A <u>16 A</u> <u>32</u> ((33)) A <u>38, 40,</u> <u>41</u>	A 16((,)) <u>A</u> 32((,)) <u>A 38</u>	A 16((,)) <u>A 32</u> <u>A 38,</u> 40, 41	A 4, <u>32</u> <u>A 4,</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	A 16	<u>A 16</u>	A 16	A 16	A 16	A 4, <u>16</u>

existing surface water flow control or surface water quality treatment facility						
Construction of new flood protection facility		<u>A 16, 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 43</u>	<u>A 33, 43</u> <u>A 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, 45</u>	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((46))	<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	A 51	<u>A 51</u>	A 51	A 51((A 51((A 4

area((§)) reports, or for monitoring and data collection within critical areas				52)	52)	
Environmental education project	A 62	<u>A 62</u>	A 62	A 62	A 62	A 62
<u>((Agriculture)) 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>A 54</u>	A 53((§) <u>A 54</u>	A 53((§)) <u>A 54</u>	A 53((§)) <u>A 54</u>
Grazing livestock	A 53	<u>A 53</u>	A 53 <u>A 54</u>	A 53((§) <u>A 54</u>	A 53((§)) <u>A 54</u>	A 53((§)) <u>A 54</u>
Construction or maintenance of a commercial fish farm			<u>A 53</u> <u>A 54</u>	A 53((§) <u>A 54</u>	A 53((§)) <u>A 54</u>	A 53((§)) <u>A 54</u>
Construction or maintenance of livestock manure storage facility			<u>A 55</u>	A ((53 , 54),) 55	A ((53 , 54),) 55((§ 56))	A ((53 , 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>A 54</u>	A 53 <u>A 54</u>	A 53((5)) <u>A 54</u>	A 53((5)) <u>A 54</u>	A 53((5)) <u>A 54</u>
<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 shoreline water oriented use					A 65	
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	A ((59)) <u>64</u>	<u>A 64</u>	A ((59)) <u>64</u>	A ((59))	A ((59)) <u>64</u>	A ((59)) <u>64</u>

personal consumption				<u>64</u>		
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1498 D. The following alteration conditions apply:

1499 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1500 limitations of subsection D.3. of this section.

1501 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that~~
1502 ~~was created before January 1, 2005, if:~~

1503 a. ~~at least seventy five percent of the lots abutting the shoreline of the lake or~~
1504 ~~seventy five percent of the lake frontage, whichever constitutes the most developable~~
1505 ~~lake frontage, has existing density of four dwelling units per acre or more;~~

1506 b. ~~the development proposal, including mitigation required by this chapter, will~~
1507 ~~have the least adverse impact on the critical area;~~

1508 c. ~~existing native vegetation within the critical area buffer will remain~~
1509 ~~undisturbed except as necessary to accommodate the development proposal and required~~
1510 ~~building setbacks;~~

1511 d. ~~access is located to have the least adverse impact on the critical area and~~
1512 ~~critical area buffer;~~

1513 e. ~~the site alteration is the minimum necessary to accommodate the~~
1514 ~~development proposal and in no case in excess of five thousand square feet;~~

1515 f. ~~the alteration is no closer than:~~

1516 ~~(1) on a site with a shoreline environment designation of high intensity or~~
1517 ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~
1518 ~~on either side of the subject property, as measured from the ordinary high water mark of~~
1519 ~~the lake shoreline;~~

1520 ~~(2) on a site with a shoreline environment designation of rural, conservancy,~~
1521 ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~
1522 ~~lots on either side of the subject property, as measured from the ordinary high water~~
1523 ~~mark; and~~

1524 ~~(3) on a site with a shoreline environment designation of natural, the greater~~
1525 ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~
1526 ~~subject property, as measured from the ordinary high water mark; and~~

1527 ~~g. to the maximum extent practical, alterations are mitigated on the~~
1528 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~

1529 Only structures wholly or partially supported by a tree and used as accessory living
1530 quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
1531 following:

1532 a. not allowed in wildlife habitat conservation areas, wetlands, or aquatic
1533 areas;

1534 b. the structure's floor area shall not exceed two hundred square feet, excluding
1535 a narrow access stairway or landing leading to the structure;

1536 c. the structure shall be located as far from wetlands or aquatic areas as
1537 practical, but in no case closer than seventy-five feet from a wetland or an aquatic area;

1538 d. only one tree-supported structure within a critical area buffer or riparian area
1539 is allowed on a lot;

1540 e. all construction materials for the structure, including the platform, pilings,
1541 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as
1542 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,

1543 fiberglass, or cured concrete that the department determines will not have an impact on
1544 water quality;

1545 f. to the maximum extent practical, the exterior of the structure shall be
1546 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
1547 and visibility from the critical area. The camouflage shall be maintained to retain
1548 concealment effectiveness;

1549 g. the structure shall not adversely impact the long-term health and viability of
1550 the tree. The evaluation shall include, but not be limited to, the following:

1551 (1) the quantity of supporting anchors and connection points to attach the tree
1552 house to the tree shall be the minimum necessary to adequately support the structure;

1553 (2) the attachments shall be constructed using the best available tree anchor
1554 bolt technology; and

1555 (3) an International Society of Arboriculture Certified Arborist shall evaluate
1556 the tree proposed for placement of the tree house and shall submit a report discussing
1557 how the tree's long-term health and viability will not be negatively impacted by the tree
1558 house or associated infrastructure;

1559 h. exterior lighting shall meet the following criteria:

1560 (1) limited to the minimum quantity of lights necessary to meet the building
1561 code requirements to allow for safe exiting of the structure and stairway; and

1562 (2) exterior lights shall be fully shielded and shall direct light downward, in
1563 an attempt to minimize impacts to the nighttime environment;

1564 i. unless otherwise approved by the department, all external construction shall
1565 be limited to September 1 through March 1 in order to avoid disturbance to wildlife

1566 species during typical breeding, nesting, and rearing seasons;

1567 j. trail access to the structure shall be designed in accordance with trail

1568 standards under subsection D.47. of this section;

1569 k. to the maximum extent practical, existing native vegetation shall be left

1570 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1571 l. vegetated areas within the critical area buffer or riparian area that are

1572 temporarily impacted by construction of the structure shall be revegetated with native

1573 vegetation or climate-adaptive plants according to an approved mitigation plan.

1574 ~~3. ((Limited to nonresidential farm structures in grazed or tilled wet meadows,~~

1575 ~~or buffers of wetlands or aquatic areas where:~~

1576 ~~a. the site is predominantly used for the practice of agriculture;~~

1577 ~~b. the structure is in compliance with an approved farm management plan in~~

1578 ~~accordance with K.C.C. 21A.24.051;~~

1579 ~~c. the structure is either:~~

1580 ~~(1) on or adjacent to existing nonresidential impervious surface areas,~~

1581 ~~additional impervious surface area is not created waterward of any existing impervious~~

1582 ~~surface areas and the area was not used for crop production;~~

1583 ~~(2) higher in elevation and no closer to the critical area than its existing~~

1584 ~~position; or~~

1585 ~~(3) at a location away from existing impervious surface areas that is~~

1586 ~~determined to be the optimum site in the farm management plan;~~

1587 ~~d. all best management practices associated with the structure specified in the~~

1588 ~~farm management plan are installed and maintained;~~

1589 e. ~~installation of fencing in accordance with K.C.C. chapter 21A.30 does not~~
1590 ~~require the development of a farm management plan if required best management~~
1591 ~~practices are followed and the installation does not require clearing of critical areas or~~
1592 ~~their buffers; and~~

1593 f. ~~in a severe channel migration hazard area portion of an aquatic buffer only~~
1594 ~~if:~~

1595 (1) ~~there is no feasible alternative location on site;~~

1596 (2) ~~the structure is located where it is least subject to risk from channel~~
1597 ~~migration;~~

1598 (3) ~~the structure is not used to house animals or store hazardous substances;~~
1599 ~~and~~

1600 (4) ~~the total footprint of all accessory structures within the severe channel~~
1601 ~~migration hazard area will not exceed the greater of one thousand square feet or two~~
1602 ~~percent of the severe channel migration hazard area on the site)) Repealed.~~

1603 4. No clearing, grading, external construction, or other disturbance in a wildlife
1604 habitat conservation area is allowed during breeding seasons established under K.C.C.
1605 21A.24.382.

1606 5. Allowed for existing legally established structures when:

1607 a. the ~~((landslide))~~ hazard poses little ~~((or))~~ to no risk of injury; and

1608 b. the risk of landsliding or slope instability is low~~((; and~~

1609 ~~e. there is not an expansion of the structure))~~.

1610 6. Within an alluvial fan hazard area or severe channel migration hazard area
1611 allowed for:

1612 a. existing legally established primary structures if:

1613 (1) there is not an increase ~~((of))~~ in the footprint of any existing structure; and

1614 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1615 and

1616 b. existing legally established accessory structures if:

1617 (1) additions to the footprint will not make the total footprint of all existing

1618 structures more than one~~((-))~~thousand square feet; and

1619 (2) there is no~~((+an))~~ expansion of the footprint towards any source of

1620 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that

1621 the location is less subject to risk and has less impact on the critical area.

1622 7. Allowed only ~~((in grazed wet meadows or the buffer or building setback~~

1623 ~~outside a severe channel migration hazard area))~~ if:

1624 a. the structure was not established as the result of an alteration exception,

1625 variance, buffer averaging, or reasonable use exception;

1626 b. the location of the expansion has the least impact on the critical area;

1627 c. the expansion is on an existing legally established impervious surface, lawn

1628 or landscaping area, farm field, or grazed area;

1629 d. for a nonresidential structure, the expansion ~~((or replacement))~~ does not

1630 increase the footprint of a nonresidential structure;

1631 ~~((b.(1)))~~ e. for a legally established dwelling unit or accessory structure, the

1632 expansion ~~((or replacement, including any expansion of a legally established accessory~~

1633 ~~structure allowed under this subsection B.7.b.,))~~ does not increase the footprint of the

1634 dwelling unit and all other structures by more than one thousand square feet,

1635 cumulatively since January 1, 2005. The footprint limitation does not ((including))
1636 include any expansion of a drainfield made necessary by the expansion of the dwelling
1637 unit. To the maximum extent practical, the ~~((replacement or))~~ expansion of a drainfield
1638 in the buffer should be located within areas of existing lawn or landscaping, unless
1639 another location will have a lesser impact on the critical area and ~~((its))~~ associated
1640 buffer;

1641 ~~(2) for a structure accessory to a dwelling unit, the expansion or replacement~~
1642 ~~is located on or adjacent to existing impervious surface areas and does not result in a~~
1643 ~~cumulative increase in the footprint of the accessory structure and the dwelling unit by~~
1644 ~~more than one thousand square feet;~~

1645 ~~(3) the location of the expansion has the least adverse impact on the critical~~
1646 ~~area; and~~

1647 ~~(4) a comparable area of degraded buffer area shall be enhanced through~~
1648 ~~removal of nonnative plants and replacement with native vegetation in accordance with~~
1649 ~~an approved landscaping plan;~~

1650 ~~e. the structure was not established as the result of an alteration exception,~~
1651 ~~variance, buffer averaging or reasonable use exception;~~

1652 ~~d. to the maximum extent practical, the expansion or replacement is not~~
1653 ~~located closer to the critical area or within the relic of a channel that can be connected to~~
1654 ~~an aquatic area; and~~

1655 ~~e. The expansion of a residential structure in the buffer of a Type S aquatic~~
1656 ~~area that extends towards the ordinary high water mark requires a shoreline variance if:~~

1657 ~~(1) the expansion is within thirty five feet of the ordinary high water mark; or~~

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

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

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

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

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

d. ~~the ((degraded buffer area is enhanced through removal of nonnative plants and replacement))~~ footprint of an existing structure at an alternative location is revegetated with native vegetation or climate-adaptive plants in accordance with an approved ((landscaping)) mitigation plan.

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

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

1681 b. the wetland or ~~((lake-shoreline))~~ aquatic area is not a salmonid spawning
1682 area; and

1683 c. hazardous substances or toxic materials are not used~~((; and~~

1684 d. ~~if located in a freshwater lake, the pier or dock conforms to the standards for~~
1685 ~~docks under K.C.C. 21A.25.180)).~~

1686 10. Allowed ~~((on type N or O aquatic areas))~~ if:

1687 a. hazardous substances or toxic materials are not used;

1688 b. the aquatic area is not a salmonid spawning area; and

1689 c. on type S or F aquatic areas, complies if in compliance with K.C.C.
1690 21A.25.180.

1691 11. ~~((Allowed on type S or F aquatic areas outside of the severe channel~~
1692 ~~migration hazard area if in compliance with K.C.C. 21A.25.180))~~ Repealed.

1693 12. ~~((When located on a lake, must be in compliance with K.C.C. 21A.25.180))~~
1694 Repealed.

1695 13. Limited to steep slope hazard areas and associated buffers only, for the
1696 purposes of regrading and stabilizing of a slope formed as a result of a legal grading
1697 activity.

1698 14. ~~((The following are allowed in the severe channel migration hazard area if~~
1699 ~~conducted more than one hundred sixty-five feet from the ordinary high water mark in~~
1700 ~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary~~
1701 ~~high water mark in the urban area:~~

1702 a. ~~grading of up to fifty cubic yards on lot less than five acres; and~~

1703 b. ~~clearing of up to one thousand square feet or up to a cumulative thirty-five~~

1704 ~~percent of the severe channel migration hazard area.))~~ Allowed only for emergency work
1705 in alluvial fan hazard area and overlapping critical areas if:
1706 a. in response to an emergency event where channel avulsion or migration is
1707 imminent or has occurred as a result of a pulse of in-channel sediment or debris
1708 deposition;
1709 b. to prevent an imminent threat to:
1710 (1) public roadways, utilities, and other infrastructure;
1711 (2) sole access driveways and roads;
1712 (3) dwelling units, accessory dwelling units, or accessory living quarters, and
1713 residential accessory structures;
1714 (4) farm structures necessary to store equipment, produce, or livestock;
1715 c. conducted under an approved emergency authorization request per K.C.C.
1716 16.082.065;
1717 d. the emergency work is completed within thirty days of receiving a written
1718 emergency authorization;
1719 e. the emergency work is the minimum necessary bank stabilization, sediment
1720 removal, or repair of existing infrastructure to mitigate the imminent threat;
1721 f. proposed in-stream work is minimized or results in the least impact in the
1722 short term to the ecological functions and values of the critical areas present, including
1723 special consideration for fish or fish eggs in the project area;
1724 g. downstream sediment runoff and turbidity is minimized and does not exceed
1725 the impact of the emergency event;
1726 h. the applicant provides sufficient notice of work to the department for a

1727 department representative to be present at the site during work activities, if the
1728 department determines that observation is necessary;
1729 i. as part of the permitting process following the emergency authorization, the
1730 applicant proposes compensatory mitigation and additional alterations as necessary to:
1731 (1) mitigate any adverse ecological impacts of the emergency actions;
1732 (2) minimize the risk of alluvial fan hazards that could result in the necessity
1733 of future emergency actions to the maximum extent practical; and
1734 (3) minimize to the maximum extent practical the frequency and magnitude
1735 of future adverse ecological impacts that may result from future hazard mitigation
1736 activities; and
1737 j. nonemergency work required under the subsequent permit occurs during
1738 approved periods for in-stream work and conforms to all other standards in this chapter.
1739 15. Only where erosion or landsliding threatens a primary structure, utility
1740 facility, roadway, driveway, or public trail((s)), ~~((aquatic area or wetland if,))~~ and to the
1741 maximum extent practical, stabilization work does not disturb the slope and its vegetative
1742 cover and any associated critical areas.
1743 16. Allowed ~~((when))~~ for projects performed by~~((;))~~ or at the direction of ~~((or~~
1744 ~~authorized by))~~ a government agency in accordance with regional road construction and
1745 maintenance guidelines.
1746 17. Allowed ~~((when))~~ for projects not performed under the direction of a
1747 government agency only if:
1748 a. the maintenance or expansion does not involve the use of herbicides,
1749 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian

1750 areas, wetlands, or ((their)) associated buffers; and

1751 b. when maintenance, expansion, or replacement of bridges or culverts

1752 involves water used by salmonids:

1753 (1) the work ~~((is in compliance))~~ complies with ditch standards in public rule;

1754 and

1755 (2) the maintenance of culverts is limited to removal of sediment and debris

1756 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or

1757 damaged bank or channel immediately adjacent to the culvert and shall not involve the

1758 excavation of a new sediment trap adjacent to the inlet.

1759 18. Allowed for the removal of hazard trees and vegetation as necessary for

1760 surveying or testing purposes.

1761 19. The limited trimming, pruning, or removal of vegetation under a vegetation

1762 management plan approved by the department:

1763 a. in steep slope and landslide hazard areas, for the making and maintenance of

1764 view corridors; and

1765 b. in all critical areas, for habitat enhancement, invasive species control, or

1766 forest management activities.

1767 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or

1768 fruits, for restoration and enhancement projects is allowed.

1769 21. ~~((Cutting of firewood is subject to the following:~~

1770 ~~a. within))~~ Allowed only for personal use in a buffer or wildlife habitat

1771 ~~((conservation area, cutting firewood is not allowed;))~~ network if:

1772 ~~((b.))~~ a. done in accordance with an approved forest management plan;

1773 b. no tree containing an active nest is cut; and

1774 c. within a wildlife habitat network, cutting shall be in accordance with a

1775 management plan approved under K.C.C. 21A.24.386((; and

1776 ~~e. within a critical area buffer, cutting shall be for personal use and in~~

1777 ~~accordance with an approved forest management plan or rural stewardship plan)).~~

1778 22. ~~((Allowed only in buffers if in accordance with best management practices~~

1779 ~~approved by the King County fire marshal)) Not allowed in wetlands, aquatic areas,~~

1780 ~~wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated~~

1781 ~~buffers within the wildland urban interface if limited to the activities listed in K.C.C.~~

1782 ~~16.82.051.E.23.~~

1783 23. ~~((Allowed as follows:~~

1784 ~~a. if conducted in accordance with an approved forest management plan, farm~~

1785 ~~management plan, or rural stewardship plan; or~~

1786 ~~b. without an approved forest management plan, farm management plan, or~~

1787 ~~rural stewardship plan, only if:~~

1788 ~~(1) removal is undertaken with hand labor, including hand-held mechanical~~

1789 ~~tools, unless the King County noxious weed control board otherwise prescribes the use of~~

1790 ~~riding mowers, light mechanical cultivating equipment, or herbicides or biological~~

1791 ~~control methods;~~

1792 ~~(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~

1793 ~~(3) the cleared area is revegetated with native vegetation and stabilized~~

1794 ~~against erosion; and~~

1795 ~~(4) herbicide use is in accordance with federal and state law;)) Repealed.~~

1796 24. Allowed to repair or replace existing on-site wastewater disposal systems in
 1797 accordance with the applicable public health standards within Marine Recovery Areas
 1798 adopted by ~~((the P))~~public ~~((H))~~health - Seattle & King County and:

- 1799 a. there is no alternative location available with less impact on the critical area;
- 1800 b. ~~((impacts to the critical area are minimized to the maximum extent~~
 1801 ~~practicable;~~
- 1802 ~~e-))~~ the alterations will not subject the critical area to increased risk of
 1803 landslide or erosion;
- 1804 ~~((e-))~~ c. vegetation removal is the minimum necessary to accommodate the
 1805 septic system; and
- 1806 ~~((e-))~~ d. significant risk of personal injury is eliminated or minimized in the
 1807 landslide hazard area.

1808 25. Only if in compliance with published Washington state Department of Fish
 1809 and Wildlife and Washington state Department of Natural Resources ~~((M))~~management
 1810 standards for the species. If there are no published Washington state standards, only if in
 1811 compliance with management standards determined by the county to be consistent with
 1812 best available science.

1813 26. Allowed only if:

- 1814 a. there is ~~((not another))~~ no other feasible location with less ~~((adverse))~~ impact
 1815 on the critical area and ~~((its))~~ associated buffer;
- 1816 b. the ~~((corridor))~~ road is not located over habitat used for salmonid rearing or
 1817 spawning or by a species listed as endangered or threatened by the state or federal
 1818 government unless the department determines that there is no other feasible crossing

1819 site((-));

1820 c. the ((~~corridor~~)) width is minimized to the maximum extent practical;

1821 d. the construction occurs during approved periods for instream work;

1822 e. the ((~~corridor~~)) alteration will not change or diminish the overall aquatic

1823 area flow peaks, duration, or volume or the flood storage capacity; and

1824 f. no new ((~~public right-of-way is~~)) roads are established within a severe

1825 channel migration hazard area.

1826 27. To the maximum extent practical, during breeding season established under

1827 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy

1828 equipment are not operated within a wildlife habitat conservation area.

1829 28. Allowed only if:

1830 a. an alternative access is not available;

1831 b. impact to the critical area is minimized to the maximum extent practical

1832 including the use of walls to limit the amount of cut and fill necessary;

1833 c. the risk associated with landslide and erosion is minimized;

1834 d. access is located where it is least subject to risk from channel migration; and

1835 e. construction occurs during approved periods for instream work.

1836 29. ((~~Only if in compliance with a farm management plan in accordance with~~

1837 ~~K.C.C. 21A.24.051.~~)) Allowed for residential utility service distribution lines to

1838 residential dwellings, including, but not limited to, well water conveyance, septic system

1839 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

1840 a. there is no alternative location with less impact on the critical area or the

1841 buffer; and

1842 b. to the maximum extent practical, all of the following are met:

1843 (1) not located over habitat used for salmonid rearing or spawning or by a

1844 species listed as endangered or threatened by the state or federal government unless the

1845 department determines that there is no other feasible crossing site;

1846 (2) not located over a type S aquatic area;

1847 (3) paralleling the channel or following a down-valley route near the channel

1848 is avoided;

1849 (4) the width of clearing is minimized;

1850 (5) the removal of trees greater than twelve inches diameter at breast height is

1851 minimized;

1852 (6) a contiguous and undisturbed buffer, equal in area to the disturbed buffer

1853 area, is added to protect the critical area;

1854 (7) access for maintenance is at limited access points into the buffer;

1855 (8) the construction occurs during approved periods for instream work;

1856 (9) bored, drilled, or other trenchless crossings are encouraged, and shall be

1857 laterally constructed at least four feet below the maximum depth of scour for the base

1858 flood; and

1859 (10) open trenching across Type O or Type N aquatic areas is only used

1860 during low flow periods or only within aquatic areas when they are dry.

1861 30. Allowed only if:

1862 a. the new construction or replacement is made fish passable in accordance

1863 with the most recent Washington state Department of Fish and Wildlife manuals or with

1864 the National Marine and Fisheries Services guidelines for federally listed salmonid

1865 species; and

1866 b. the site is ~~((restored))~~ revegetated with ~~((appropriate))~~ native vegetation or
1867 climate-adaptive plants in accordance with an approved mitigation plan.

1868 31. Allowed if necessary to bring the bridge or culvert up to current standards
1869 and if:

1870 a. there is no~~((t-an))~~ other feasible alternative available with less impact on the
1871 aquatic area and ~~((its buffer))~~ adjacent riparian area; and

1872 b. to the maximum extent practical, the bridge or culvert is located to minimize
1873 impacts to the aquatic area and ~~((its buffers))~~ adjacent riparian area.

1874 32. Allowed in an existing roadway if conducted consistent with the regional
1875 road maintenance guidelines.

1876 33. ~~((Allowed))~~ When outside the roadway, allowed if:

1877 a. the alterations will not subject the critical area to an increased risk ~~((of))~~
1878 from landslide, alluvial fan, or erosion hazards;

1879 b. vegetation removal is the minimum necessary to locate the utility or
1880 construct the corridor; and

1881 c. significant risk of personal injury is eliminated or minimized in the landslide
1882 or alluvial fan hazard area.

1883 34. Limited to the pipelines, cables, wires, and support structures of utility
1884 facilities within utility corridors if:

1885 a. there is no alternative location with less ~~((adverse))~~ impact on the critical
1886 area and ~~((critical area))~~ buffer;

1887 b. ~~((new utility corridors meet))~~ to the maximum extent practical, all of the

1888 following ~~((to the maximum extent practical))~~ are met:

1889 (1) ~~((are))~~ not located over habitat used for salmonid rearing or spawning or

1890 by a species listed as endangered or threatened by the state or federal government unless

1891 the department determines that there is no other feasible crossing site;

1892 (2) ~~((the mean annual flow rate is less than twenty cubic feet per second))~~ not

1893 located over a type S aquatic area; ((and))

1894 (3) paralleling the channel or following a down-valley route near the channel

1895 is avoided;

1896 ~~((e. to the maximum extent practical utility corridors are located so that:~~

1897 ~~(4)))~~ (4) the width is the minimized;

1898 ~~((2)))~~ (5) the removal of trees greater than twelve inches diameter at breast

1899 height is minimized;

1900 ~~((3)))~~ (6) a ~~((n additional,))~~ contiguous and undisturbed ~~((critical area))~~

1901 buffer, equal in area to the disturbed ~~((critical area))~~ buffer area including any allowed

1902 maintenance roads, is ~~((provided))~~ added to protect the critical area;

1903 ~~((d. to the maximum extent practical,))~~ (7) access for maintenance is at limited

1904 access points into the ~~((critical area))~~ buffer rather than by a parallel maintenance road. If

1905 a parallel maintenance road is necessary, the following standards are met:

1906 ~~((1) to the maximum extent practical))~~ (a) the width of the maintenance road

1907 is minimized and in no event ~~((greater))~~ more than fifteen feet; and

1908 ~~((2)))~~ (b) the location of the maintenance road is contiguous to the utility

1909 corridor on the side of the utility corridor farthest from the critical area;

1910 (8) the utility corridor serves multiple purposes and properties; and

1911 (9) bridges or other construction techniques that do not disturb the critical
1912 areas are used;

1913 ~~((e-))~~ c. the utility corridor or facility will not adversely impact the overall
1914 critical area hydrology or diminish flood storage capacity;

1915 ~~((f-))~~ d. the construction occurs during approved periods for instream work;

1916 ~~((g- the utility corridor serves multiple purposes and properties to the~~
1917 ~~maximum extent practical;~~

1918 ~~h. bridges or other construction techniques that do not disturb the critical areas~~
1919 ~~are used to the maximum extent practical;~~

1920 ~~i-))~~ e. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed
1921 at least four feet below the maximum depth of scour for the base flood;

1922 ~~((j-))~~ f. bridge piers or abutments for bridge crossing are not placed within the
1923 FEMA floodway or the ordinary high water mark;

1924 ~~((k-))~~ g. open trenching is only used during low flow periods or only within
1925 aquatic areas when they are dry. The department may approve open trenching of type S
1926 or F aquatic areas only if there is not a feasible alternative and ~~((equivalent or greater))~~
1927 equal or better environmental protection can be achieved; and

1928 ~~((l-))~~ h. minor communication facilities may collocate on existing utility
1929 facilities if:

1930 (1) no new transmission support structure is required; and

1931 (2) equipment cabinets are located on the transmission support structure.

1932 35. Allowed only for new utility facilities in existing utility corridors.

1933 36. Allowed for onsite private individual utility service connections or private

1934 or public utilities if the disturbed area is not expanded and no hazardous substances,
1935 pesticides or fertilizers are applied.

1936 37. Allowed if the disturbed area is not expanded, clearing is limited to the
1937 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are
1938 applied.

1939 38. Allowed if:

1940 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~
1941 riparian area, and discharging into the wetland buffer, ~~((or aquatic area buffer))~~ riparian
1942 area, or at the wetland or aquatic area edge, has less ~~((adverse))~~ impact upon the wetland
1943 ~~((or))~~, wetland buffer, aquatic area ~~((or wetland or aquatic area buffer))~~, or riparian area
1944 than if the surface water were discharged at the buffer~~((s))~~ or riparian area edge and
1945 allowed to naturally drain through the buffer or riparian area;

1946 b. the volume of discharge is minimized through application of low impact
1947 development and water quality measures identified in the ~~((King County))~~ Surface Water
1948 Design Manual;

1949 c. the conveyance and outfall are installed with hand equipment where
1950 feasible;

1951 d. the outfall shall include bioengineering techniques where feasible; and

1952 e. the outfall is designed to minimize ~~((adverse))~~ impacts to critical areas.

1953 39. Allowed only if:

1954 a. there is no feasible alternative with less impact on the critical area and ~~((its))~~
1955 associated buffer;

1956 b. to the maximum extent practical, the bridge or culvert is located to minimize

1957 impacts to the critical area and ~~((its))~~ associated buffer;

1958 c. the bridge or culvert is not located over habitat used for salmonid rearing or

1959 spawning unless there is no other feasible crossing site;

1960 d. construction occurs during approved periods for in-stream work; and

1961 e. bridge piers or abutments for bridge crossings are not placed within the

1962 FEMA floodway, severe channel migration hazard area, or waterward of the ordinary

1963 high water mark.

1964 40. Allowed for an open, vegetated stormwater management conveyance system

1965 and outfall structure that simulates natural conditions if:

1966 a. fish habitat features necessary for feeding, cover, and reproduction are

1967 included when appropriate;

1968 b. vegetation is maintained and added adjacent to all open channels and ponds,

1969 if necessary to prevent erosion, filter out sediments, or shade the water; and

1970 c. bioengineering techniques are used to the maximum extent practical.

1971 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

1972 a. necessary to avoid erosion of slopes; and

1973 b. bioengineering techniques are used to the maximum extent practical.

1974 42. Allowed in a severe channel migration hazard area, riparian area, or an

1975 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:

1976 a. if consistent with the Integrated Streambank Protection Guidelines

1977 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

1978 techniques are used to the maximum extent practical, unless the applicant demonstrates

1979 that other methods provide equivalent structural stabilization and environmental function;

1980 b. based on a critical area((s)) report, the department determines that the new
1981 flood protection facility will not cause ((significant)) impacts to upstream or downstream
1982 properties; and

1983 c. to prevent bank erosion for the protection of:

1984 (1) public roadways;

1985 (2) sole access routes in existence before February 16, 1995;

1986 (3) new primary dwelling units, accessory dwelling units, or accessory living
1987 quarters and residential accessory structures located outside the severe channel migration
1988 hazard area if:

1989 (a) the site is adjacent to or abutted by properties on both sides containing
1990 buildings or sole access routes protected by legal bank stabilization in existence before
1991 February 16, 1995. The buildings, sole access routes, or bank stabilization ((must)) shall
1992 be located no more than six hundred feet apart as measured parallel to the migrating
1993 channel; and

1994 (b) the new primary dwelling units, accessory dwelling units, accessory
1995 living quarters, or residential accessory structures are located no closer to the aquatic area
1996 than existing primary dwelling units, accessory dwelling units, accessory living quarters,
1997 or residential accessory structures on abutting or adjacent properties; or

1998 (4) existing primary dwelling units, accessory dwelling units, accessory living
1999 quarters, or residential accessory structures if:

2000 (a) the structure was in existence before the adoption date of a King County
2001 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2002 (b) the structure is in imminent danger, as determined by a ((geologist,

2003 ~~engineering geologist or geotechnical engineer))~~ geological professional;

2004 (c) the applicant has demonstrated that the existing structure is at risk, and

2005 the structure and supporting infrastructure cannot be relocated on the lot further from the

2006 source of channel migration; and

2007 (d) nonstructural measures are not feasible.

2008 43. Applies to ~~((lawfully))~~ legally established existing structures if:

2009 a. the height of the facility is not increased, unless the facility is being replaced

2010 in a new alignment that is landward of the previous alignment and enhances aquatic area

2011 habitat and process;

2012 b. the linear length of the facility is not increased, unless the facility is being

2013 replaced in a new alignment that is landward of the previous alignment and enhances

2014 aquatic area habitat and process;

2015 c. the footprint of the facility is not expanded waterward;

2016 d. consistent with the Integrated Streambank Protection Guidelines

2017 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering

2018 techniques are used to the maximum extent practical;

2019 e. the site is restored with appropriate native vegetation or climate-adaptive

2020 plants and erosion protection materials in accordance with an approved mitigation plan;

2021 and

2022 f. based on a critical area~~((s))~~ report, the department determines that the

2023 maintenance, repair, replacement, or construction will not cause ~~((significant))~~ impacts to

2024 upstream or downstream properties.

2025 44. Allowed in type N and O aquatic areas if done in the least impacting way at

2026 the least impacting time of year, in conformance with applicable best management
 2027 practices, and all affected instream and ~~((buffer))~~ riparian area features are restored.

2028 45. Allowed in ~~((a))~~ type S or F ~~((water))~~ aquatic areas when such work is:

2029 a. included as part of a project to evaluate, restore, mitigate, or ~~((improve))~~
 2030 enhance habitat~~((, and))~~;

2031 b. sponsored or cosponsored by a federally recognized Indian tribe, public
 2032 agency, nonprofit organization that has natural resource management as a function, or
 2033 ~~((by a federally recognized tribe))~~ a higher education institution;

2034 c. projects shall provide a net ecological benefit and increase in functions over
 2035 the existing ecological and functional conditions of the critical area; and

2036 d. an ecological critical area report shall include:

2037 (1) an evaluation of the anticipated net change in ecological functions from
 2038 pre-project to post project; and

2039 (2) a monitoring and reporting plan to demonstrate the gain of ecological
 2040 function.

2041 46. Allowed ~~((as long as))~~ if the trail surface is ~~((not))~~ constructed of
 2042 ~~((im))~~pervious surfaces that ~~((will))~~ does not contribute to surface water run~~((-))~~off,
 2043 ~~((unless))~~ except when the construction is necessary for soil stabilization, ~~((or))~~ soil
 2044 erosion prevention, or ~~((unless the trail system is specifically designed and))~~ intended to
 2045 be accessible to ~~((handicapped))~~ persons with disabilities.

2046 47. ~~((Not allowed in a wildlife habitat conservation area. Otherwise,~~
 2047 a)) Allowed only in ~~((the))~~ a riparian area or wetland buffer, or for crossing a category II,
 2048 III, or IV wetland or a type F, N, or O aquatic area, or a wildlife habitat network, if:

2049 a. the trail surface is ~~((made))~~ constructed of pervious materials, except ~~((that~~
2050 ~~public multipurpose trails))~~ when a public trail is intended to be accessible to persons
2051 with disabilities may be made of impervious materials if they meet all the requirements in
2052 K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be
2053 constructed as a raised boardwalk or bridge;

2054 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat
2055 network areas are expanded equal to the width of the trail corridor including disturbed
2056 areas;

2057 c. there is not another feasible location with less ~~((adverse))~~ impact on the
2058 critical area and ~~((its))~~ associated buffer;

2059 d. the trail is not located over habitat used for salmonid rearing or spawning or
2060 by a species listed as endangered or threatened by the state or federal government unless
2061 the department determines that there is no other feasible crossing site;

2062 e. the trail width is minimized to the maximum extent practical and private
2063 foot trails are limited to three feet in width;

2064 f. the construction occurs during approved periods for instream work; ~~((and))~~

2065 g. the trail corridor will not change or diminish the overall aquatic area flow
2066 peaks, duration or volume or the flood storage capacity~~((-))~~;

2067 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
2068 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
2069 the maximum extent practical;

2070 i. the work does not involve the use of herbicides, hazardous substances,
2071 sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands, or

2072 associated buffers;

2073 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a

2074 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform

2075 or to a permitted dock or pier; and

2076 ~~((i. A))~~ k. a private viewing platform may be allowed if it is:

2077 (1) located upland from the wetland edge or the ordinary high water mark of

2078 an aquatic area;

2079 (2) located where it will not be detrimental to the functions of the wetland or

2080 aquatic area and will have the least adverse environmental impact on the critical area or

2081 ~~((its))~~ associated buffer;

2082 (3) limited to fifty square feet in size;

2083 (4) constructed of materials that are nontoxic; and

2084 (5) on footings located outside of the wetland or aquatic area.

2085 48. Only if the maintenance:

2086 a. does not involve the use of herbicides or other hazardous substances except

2087 for the removal of noxious weeds or invasive vegetation;

2088 b. when salmonids are present, the maintenance is in compliance with ditch

2089 standards in public rule; and

2090 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,

2091 culvert, engineered slope, or other improved area being maintained.

2092 49. Limited to alterations to create, restore, or enhance habitat forming

2093 processes or ~~((directly restore))~~ habitat functions and values, including ~~((access for))~~

2094 construction access necessary for the project, as follows:

2095 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~
2096 ~~resource management as a primary function or by a federally recognized tribe;~~
2097 ~~b. restoration and enhancement plans prepared by a qualified biologist; or~~
2098 ~~c. conducted in accordance with an approved forest management plan, farm~~
2099 ~~management plan or rural stewardship plan)) Projects shall provide a net ecological~~
2100 ~~benefit and increase in functions over the existing ecological and functional conditions of~~
2101 ~~the critical area; and~~

2102 b. An ecological critical area report shall include:

2103 (1) an evaluation of the anticipated net change in ecological functions from
2104 pre-project to post project; and

2105 (2) a monitoring and reporting plan to demonstrate the gain of ecological
2106 function.

2107 50. Allowed in accordance with a scientific sampling permit issued by
2108 Washington state Department of Fish and Wildlife or an incidental take permit issued
2109 under Section 10 of the Endangered Species Act.

2110 51.a. Allowed ~~((for the))~~ if done with minimal clearing and grading, including
2111 site access, necessary to prepare critical area reports.

2112 ~~((52.))~~ b. The following are allowed in a wetland, wetland buffer, aquatic area,
2113 riparian area, and severe channel migration hazard area if associated spoils are contained:

2114 ~~((a.))~~ (1) data collection and research if carried out to the maximum extent
2115 practical by nonmechanical or hand((-))held equipment;

2116 ~~((b.))~~ (2) survey monument placement;

2117 ~~((c.))~~ (3) site exploration and gage installation if performed in accordance with

2118 state-approved sampling protocols and accomplished to the maximum extent practical by
2119 hand~~((-))~~held equipment ~~((and))~~; or

2120 (4) similar work associated with an incidental take permit issued under
2121 Section 10 of the Endangered Species Act or consultation under Section 7 of the
2122 Endangered Species Act.

2123 52. Repealed.

2124 53. ~~((Limited to))~~ a. Allowed for agricultural activities in the same footprint if:

2125 (1) in continuous existence ~~((since))~~ as of January 1, 2005~~((, with no~~
2126 ~~expansion within the critical area or critical area buffer))~~; or

2127 (2) legally established after January 1, 2005, and in continuous existence since
2128 establishment.

2129 b. "Continuous existence" includes cyclical operations and managed periods of
2130 soil restoration, enhancement or other fallow states not exceeding seven years and
2131 associated with these ~~((horticultural and))~~ agricultural activities. Transfer of ownership,
2132 sale, or leasing of land shall not affect continuous existence.

2133 54. Only ~~((A))~~allowed ~~((for))~~ as follows:

2134 a. Limited to the following activities:

2135 (1) expansion of existing agricultural activities qualifying under subsection
2136 D.53. of this section;

2137 (2) conversion of one type of agricultural activity to another, including
2138 changing the types of crops harvesting method or changing from crops to livestock,
2139 qualifying under subsection D.53. of this section; or

2140 (3) establishment of new agricultural activities; ~~((where:~~

2141 ~~a. the site is predominantly involved in the practice of agriculture;))~~
 2142 b. agriculture is the primary activity on the site;
 2143 c. there is no expansion or new activity in((to)) an area that:
 2144 (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G
 2145 forest practice permit; ((or))
 2146 (2) ~~is ((more than ten thousand square feet with tree cover at a uniform~~
 2147 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~
 2148 ~~the trees at least four inches diameter at breast height, not including))~~ an aquatic area or a
 2149 wetland, except grazed or tilled wet meadows; or
 2150 (3) is a wetland buffer or riparian area that contains predominately native
 2151 forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or
 2152 herbaceous layer excludes areas ((that are actively managed as agricultural crops for
 2153 pulpwood, Christmas trees or ornamental nursery stock)) where native species are
 2154 commercially planted and harvested as crops; and
 2155 ((or)) d. the activities are ((in compliance)) consistent with an approved farm
 2156 management plan in accordance with K.C.C. 21A.24.051, including any best
 2157 management practices applicable to the activity((; and
 2158 ~~d. all best management practices associated with the activities specified in the~~
 2159 ~~farm management plan are installed and maintained)).~~
 2160 55. Only allowed if:
 2161 a. associated with an activity that qualifies under subsection D.53. or D.54. of
 2162 this section;
 2163 b. located in an existing grazed, ((or)) tilled ((wet meadows or their buffers if:

2164 ~~a. the facilities are designed to the standards of an approved farm management~~
2165 ~~plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in~~
2166 ~~accordance with K.C.C. chapter 21A.30)), or impervious area;~~

2167 c. there is no expansion or new activity in areas identified in subsection D.54.c.
2168 of this section;

2169 ~~((b-))~~ d. there is ((not a)) no other feasible alternative location available on the
2170 site that is located outside of the critical area or associated buffer; ((and
2171 e-)) e. the alteration is consistent with an approved farm management plan in
2172 accordance with K.C.C. 21A.24.051, including any best management practices applicable
2173 to the activity;

2174 f. the ((facilities are)) alteration is located as close to the outside edge of the
2175 critical area or buffer to the maximum extent practical; and

2176 g. within a severe channel migration hazard area, the alteration is located:
2177 (1) outside of the shoreline jurisdiction; and
2178 (2) in an area with the least risk from channel migration.

2179 56. ~~((Only allowed in:~~

2180 ~~a.(1) a severe channel migration hazard area located outside of the shorelines~~
2181 ~~jurisdiction area;~~

2182 ~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~
2183 ~~(3) aquatic area buffer; and only if:~~

2184 ~~b.(1) the applicant demonstrates that adverse impacts to the critical area and~~
2185 ~~critical area buffers have been minimized;~~

2186 ~~(2) there is not another feasible location available on the site that is located~~

2187 ~~outside of the critical area or critical area buffer;~~

2188 ~~(3) the farm pad is designed to the standards in an approved farm~~

2189 ~~management plan in accordance with K.C.C. 21A.24.051; and~~

2190 ~~(4) for proposals located in the severe channel migration hazard area, the~~

2191 ~~farm pad or livestock manure storage facility is located where it is least subject to risk~~

2192 ~~from channel migration.~~

2193 ~~57.))~~ Allowed for new agricultural drainage ~~((in compliance))~~ consistent with an

2194 approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((and all))~~,

2195 including any best management practices ((associated with)) applicable to the ((activities

2196 specified in the farm management plan are installed and maintained)) activity.

2197 ~~((58. H))~~ 57. Allowed as follows:

2198 a. if conducted in accordance with an approved forest management plan or

2199 farm management plan in accordance with K.C.C. 21A.24.051; or

2200 b. without an approved forest management plan or farm management plan,

2201 only if:

2202 (1) the agricultural drainage is not used by salmonids~~((, maintenance shall be~~

2203 ~~in compliance with an approved farm management plan in accordance with K.C.C.~~

2204 ~~21A.24.051))~~;

2205 (2) vegetation removal is undertaken with hand labor, including handheld

2206 mechanical tools, unless the King County noxious weed control board otherwise

2207 prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides,

2208 or biological control methods;

2209 (3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2210 (4) the cleared area is revegetated with native vegetation or climate-adaptive
2211 plants and stabilized against erosion; and

2212 (5) herbicide use is in accordance with federal and state law.

2213 58. Only for maintenance of agricultural waterways if:

2214 a. the purpose of the maintenance is to improve agricultural production on a
2215 site predominately engaged in the practice of agriculture;

2216 b. the maintenance is conducted in compliance with a hydraulic project
2217 approval issued by the Washington state Department of Fish and Wildlife in accordance
2218 with chapter 77.55 RCW;

2219 c. the maintenance complies with the King County agricultural drainage
2220 assistance program as agreed to by the Washington state Department of Fish and
2221 Wildlife, the department of local services, permitting division, and the department of
2222 natural resources and parks, and as reviewed by the Washington state Department of
2223 Ecology;

2224 d. the person performing the maintenance and the landowner have attended
2225 training provided by King County on the King County agricultural drainage assistance
2226 program and the best management practices required under that program;

2227 e. the maintenance complies with K.C.C. chapter 16.82; and

2228 f. the alteration is consistent with an approved farm management plan in
2229 accordance with K.C.C. 21A.24.051.

2230 59. Allowed ~~((within existing landscaped areas or other previously disturbed~~
2231 areas)) on sites with an activity that qualifies under subsections D.53. or 54. of this
2232 section when:

2233 a. consistent with an approved farm management plan in accordance with
2234 K.C.C. 21A.24.051, including any best management practices applicable to the activity;
2235 b. there is no other feasible location with less impact on critical areas and
2236 associated buffers;
2237 c. in compliance with the Surface Water Design Manual, which includes:
2238 (1) farmland dispersion requirements for properties within an Agricultural
2239 Production District, enrolled in the Farmland Preservation Program, or zoned A; or
2240 (2) any applicable flow control best management practices for all other
2241 properties;
2242 d. access is located where it is least subject to risk from channel migration;
2243 e. a floodplain development permit is obtained for any action within the
2244 floodplain; and
2245 f. all other required state and federal permits have been obtained and actions
2246 comply with such permits.
2247 60. ~~((Allowed for residential utility service distribution lines to residential~~
2248 ~~dwelling, including, but not limited to, well water conveyance, septic system~~
2249 ~~conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~
2250 ~~a. there is no alternative location with less adverse impact on the critical area~~
2251 ~~or the critical area buffer;~~
2252 ~~b. the residential utility service distribution lines meet all of the following, to~~
2253 ~~the maximum extent practical:~~
2254 ~~(1) are not located over habitat used for salmonid rearing or spawning or by a~~
2255 ~~species listed as endangered or threatened by the state or federal government unless the~~

2256 ~~department determines that there is no other feasible crossing site;~~
 2257 ~~(2) not located over a type S aquatic area;~~
 2258 ~~(3) paralleling the channel or following a down-valley route near the channel~~
 2259 ~~is avoided;~~
 2260 ~~(4) the width of clearing is minimized;~~
 2261 ~~(5) the removal of trees greater than twelve inches diameter at breast height is~~
 2262 ~~minimized;~~
 2263 ~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in~~
 2264 ~~area to the disturbed critical area buffer area is provided to protect the critical area;~~
 2265 ~~(7) access for maintenance is at limited access points into the critical area~~
 2266 ~~buffer.~~
 2267 ~~(8) the construction occurs during approved periods for instream work;~~
 2268 ~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be~~
 2269 ~~laterally constructed at least four feet below the maximum depth of scour for the base~~
 2270 ~~flood; and~~
 2271 ~~(10) open trenching across Type O or Type N aquatic areas is only used~~
 2272 ~~during low flow periods or only within aquatic areas when they are dry.)) Limited to~~
 2273 ~~nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers,~~
 2274 ~~riparian areas where:~~
 2275 ~~a. the primary use of the site is an activity qualifying under subsection D.53. or~~
 2276 ~~54. of this section;~~
 2277 ~~b. the structure is consistent with an approved farm management plan in~~
 2278 ~~accordance with K.C.C. 21A.24.051, including any best management practices applicable~~

2279 to the structure;

2280 c. the structure is either:

2281 (1) on or adjacent to existing nonresidential impervious surface areas,

2282 additional impervious surface area is not created waterward of any existing impervious

2283 surface areas, and the area was not used for crop production;

2284 (2) higher in elevation and no closer to the critical area than its existing

2285 position; or

2286 (3) at a location away from existing impervious surface areas that is

2287 determined to be the optimum location in the farm management plan;

2288 d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not

2289 require the development of a farm management plan if required best management

2290 practices are followed and the installation does not require clearing of critical areas or

2291 their buffers; and

2292 e. in an alluvial fan hazard area or a severe channel migration hazard area if:

2293 (1) there is no feasible alternative location on-site;

2294 (2) the structure is located where it is least subject to risk from alluvial fan

2295 hazards or channel migration;

2296 (3) the structure is not used to house animals or store hazardous substances;

2297 and

2298 (4) the total footprint of all accessory structures within the severe channel

2299 migration hazard area will not exceed the greater of one thousand square feet or two

2300 percent of the severe channel migration hazard area on the site.

2301 61. Allowed if sponsored or cosponsored by the countywide flood control zone

2302 district, or the department of natural resources and parks and the department of local
 2303 services, permitting division, determines that the project and its location:

- 2304 a. is the best flood risk reduction alternative (~~((practicable))~~) practical;
- 2305 b. is part of a comprehensive, long-term flood management strategy;
- 2306 c. is consistent with the 2024 King County Flood Management Plan policies;
- 2307 d. will have the least (~~((adverse))~~) impact on the ecological functions of the
 2308 critical area or (~~((its))~~) associated buffer, including habitat for fish and wildlife that are
 2309 identified for protection in the King County Comprehensive Plan; and
- 2310 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2311 62.a. Not allowed in wildlife habitat conservation areas;

- 2312 b. Only allowed if:
 - 2313 (1) the project is sponsored or cosponsored by a public agency whose primary
 2314 function (~~((deals with))~~) is natural resources management;
 - 2315 (2) the project is located on public land or on land that is owned by a
 2316 nonprofit agency whose primary function (~~((deals with))~~) is natural resources management;
 - 2317 (3) there is not a feasible alternative location available on the site with less
 2318 impact to the critical area or (~~((its))~~) associated buffer;
 - 2319 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
 - 2320 (5) the project minimizes the footprint of structures and the number of access
 2321 points to any critical areas; and
 - 2322 (6) the project meets the following design criteria:
 - 2323 (a) to the maximum extent practical size of platform shall not exceed one
 2324 hundred square feet;

2325 (b) all construction materials for any structures, including the platform,
2326 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as
2327 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2328 fiberglass, or cured concrete that the department determines will not have an ~~((adverse))~~
2329 impact on water quality;

2330 (c) the exteriors of any structures are sufficiently camouflaged using netting
2331 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
2332 practical. The camouflage shall be maintained to retain concealment effectiveness;

2333 (d) structures shall be located outside of the wetland or aquatic area
2334 landward of the ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water
2335 component, ~~((Θ))~~if applicable~~((Θ))~~, to the maximum extent practical on the site;

2336 (e) construction occurs during approved periods for work inside the
2337 ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;

2338 (f) construction associated with bird blinds shall not occur from March 1
2339 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
2340 and rearing seasons;

2341 (g) to the maximum extent practical, provide accessibility for persons with
2342 physical disabilities in accordance with the International Building Code;

2343 (h) trail access is designed in accordance with public rules adopted by the
2344 department;

2345 (i) existing native vegetation within the critical area will remain undisturbed
2346 except as necessary to accommodate the ~~((proposal))~~ project. Only minimal hand
2347 clearing of vegetation is allowed; and

2348 (j) disturbed bare ground areas around the structure ~~((must))~~ shall be
2349 ~~((replanted))~~ revegetated with native vegetation or climate-adaptive plants approved by
2350 the department.

2351 63. ~~((Not a))~~ Allowed ~~((in the severe channel migration zone,))~~ if there is no
2352 alternative location with less ~~((adverse))~~ impact on the critical area and buffer, and
2353 clearing is minimized to the maximum extent practical.

2354 64. ~~((Only structures wholly or partially supported by a tree and used as~~
2355 ~~accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1,~~
2356 ~~subject to the following:~~

2357 a. ~~not allowed in wildlife habitat conservation areas or severe channel~~
2358 ~~migration hazard areas;~~

2359 b. ~~the structure's floor area shall not exceed two hundred square feet, excluding~~
2360 ~~a narrow access stairway or landing leading to the structure;~~

2361 c. ~~the structure shall be located as far from the critical area as practical, but in~~
2362 ~~no case closer than seventy five feet from the critical area;~~

2363 d. ~~only one tree-supported structure within a critical area buffer is allowed on a~~
2364 ~~lot;~~

2365 e. ~~all construction materials for the structure, including the platform, pilings,~~
2366 ~~exterior and interior walls, and roof, shall be constructed of nontoxic material, such as~~
2367 ~~nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,~~
2368 ~~fiberglass or cured concrete that the department determines will not have an adverse~~
2369 ~~impact on water quality;~~

2370 f. ~~to the maximum extent practical, the exterior of the structure shall be~~

2371 ~~camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife~~
2372 ~~and visibility from the critical area. The camouflage shall be maintained to retain~~
2373 ~~concealment effectiveness;~~

2374 ~~g. the structure must not adversely impact the long term health and viability of~~
2375 ~~the tree. The evaluation shall include, but not be limited to, the following:~~

2376 ~~(1) the quantity of supporting anchors and connection points to attach the tree~~
2377 ~~house to the tree shall be the minimum necessary to adequately support the structure;~~

2378 ~~(2) the attachments shall be constructed using the best available tree anchor~~
2379 ~~bolt technology; and~~

2380 ~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement~~
2381 ~~of the tree house and shall submit a report discussing how the tree's long term health and~~
2382 ~~viability will not be negatively impacted by the tree house or associated infrastructure;~~

2383 ~~h. exterior lighting shall meet the following criteria:~~

2384 ~~(1) limited to the minimum quantity of lights necessary to meet the building~~
2385 ~~code requirements to allow for safe exiting of the structure and stairway; and~~

2386 ~~(2) exterior lights shall be fully shielded and shall direct light downward, in~~
2387 ~~an attempt to minimize impacts to the nighttime environment;~~

2388 ~~i. unless otherwise approved by the department, all external construction shall~~
2389 ~~be limited to September 1 through March 1 in order to avoid disturbance to wildlife~~
2390 ~~species during typical breeding, nesting, and rearing seasons;~~

2391 ~~j. trail access to the structure shall be designed in accordance with trail~~
2392 ~~standards under subsection D.47. of this section;~~

2393 ~~k. to the maximum extent practical, existing native vegetation shall be left~~

2394 ~~undisturbed. Only minimal hand clearing of vegetation is allowed; and~~
 2395 ~~1. vegetated areas within the critical area buffer that are temporarily impacted~~
 2396 ~~by construction of the structure shall be restored by planting native vegetation according~~
 2397 ~~to a vegetation management plan approved by the department.)) Allowed within existing~~
 2398 ~~landscaped areas or other previously disturbed areas.~~

2399 65. Shoreline water dependent and shoreline water oriented uses are allowed in
 2400 ~~((the aquatic area and aquatic area buffer of a T))~~ type S aquatic area and adjacent riparian
 2401 area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ~~((King~~
 2402 ~~County))~~ Comprehensive Plan.

2403 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the
 2404 requirements of K.C.C. 21A.08.100, B.14., and only as follows:

2405 a. there is ~~((not another))~~ no other feasible location within the aquatic area with
 2406 less ~~((adverse))~~ impact on the critical area and ~~((its))~~ associated buffer;

2407 b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid
 2408 rearing or spawning or by a species listed as endangered or threatened by the state or
 2409 federal government unless the department determines that there is no other feasible
 2410 location;

2411 c. the facility is not located in Category I wetlands or Category II wetlands
 2412 with a habitat score of ~~((8))~~ eight points or greater;

2413 d. the corridor width is minimized to the maximum extent practical;

2414 e. paralleling the channel or following a down-valley route within ~~((an aquatic~~
 2415 ~~area buffer))~~ a riparian area is avoided to the maximum extent practical;

2416 f. the construction occurs during approved periods for instream work;

2417 g. the facility and corridor will not change or adversely impact the overall
2418 aquatic area flow peaks, duration or volume or the flood storage capacity;

2419 h. ~~((the facility and corridor is not))~~ no new facilities are located within a
2420 severe channel migration hazard area;

2421 i. to the maximum extent practical, buildings will be located outside the
2422 wetland buffer or riparian area and away from the wetland or aquatic area ~~((or wetland))~~;

2423 j. to the maximum extent practical, access for maintenance is at limited access
2424 points into the critical area or associated buffer rather than by a parallel maintenance
2425 road. If a parallel maintenance road is necessary, the following standards are met:

2426 (1) to the maximum extent practical the width of the maintenance road is
2427 minimized and ~~((in))~~ no ~~((event greater))~~ more than fifteen feet; and

2428 (2) the location of the maintenance road is contiguous to the utility corridor
2429 on the side of the utility corridor farthest from the critical area;

2430 k. the facility does not pose an unreasonable threat to the public health, safety,
2431 or welfare on or off the development proposal site and is consistent with the general
2432 purposes of this chapter and the public interest; and

2433 l. the facility connects to or is an alteration to a public roadway, public trail, a
2434 utility corridor or utility facility, or other infrastructure owned or operated by a public
2435 utility.

2436 67. Only hydroelectric ~~((generating))~~ generation facilities meeting the
2437 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

2438 a. there is no ~~((t-an))~~ other feasible location with less ~~((adverse))~~ impact on the
2439 critical area and ~~((its))~~ associated buffer;

2440 b. the alterations will not subject the critical area to an increased risk of
2441 landslide or erosion;

2442 c. the corridor width is minimized to the maximum extent practical;

2443 d. vegetation removal is the minimum necessary to locate the utility or
2444 construct the corridor;

2445 e. the facility and corridor do not pose an unreasonable threat to the public
2446 health, safety₂ or welfare on or off the development proposal site and ~~((is))~~ are consistent
2447 with the general purposes of this chapter, and the public interest and significant risk of
2448 personal injury ~~((is))~~ are eliminated or minimized in the landslide hazard area; and

2449 f. the facility connects to or is an alteration to a public roadway, public trail, a
2450 utility corridor or utility facility₂ or other infrastructure owned or operated by a public
2451 utility.

2452 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2453 only as follows:

2454 a. the heat exchanger ~~((must be))~~ is a closed loop system that does not draw
2455 water from or discharge to the lake;

2456 b. the lake bed shall not be disturbed, except as required by the county or a
2457 state or federal agency to mitigate for impacts of the heat exchanger;

2458 c. the in-water portion of system is only allowed where water depth exceeds
2459 six feet; and

2460 d. system structural support for the heat exchanger piping ~~((shall be))~~ is
2461 attached to an existing dock or pier or ~~((be attached))~~ to a new structure that meets the
2462 requirements of K.C.C. 21A.25.180.

2463 69. (~~Only for maintenance of agricultural waterways if:~~
2464 a. ~~the purpose of the maintenance project is to improve agricultural production~~
2465 ~~on a site predominately engaged in the practice of agriculture;~~
2466 b. ~~the maintenance project is conducted in compliance with a hydraulic project~~
2467 ~~approval issued by the Washington state Department of Fish and Wildlife pursuant to~~
2468 ~~chapter 77.55 RCW;~~
2469 c. ~~the maintenance project complies with the King County agricultural~~
2470 ~~drainage assistance program as agreed to by the Washington state Department of Fish and~~
2471 ~~Wildlife, the department of local services, permitting division, and the department of~~
2472 ~~natural resources and parks, and as reviewed by the Washington state Department of~~
2473 ~~Ecology;~~
2474 d. ~~the person performing the maintenance and the landowner have attended~~
2475 ~~training provided by King County on the King County agricultural drainage assistance~~
2476 ~~program and the best management practices required under that program; and~~
2477 e. ~~the maintenance project complies with K.C.C. chapter 16.82)) Repealed.~~
2478 SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C.
2479 21A.24.051 are hereby amended to read as follows:
2480 A. (~~The alterations identified in K.C.C. 21A.24.045 for a))~~Agricultural activities
2481 ~~((are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat~~
2482 ~~conservation areas, when an agricultural activity is currently occurring on the site and the~~
2483 ~~alteration is in compliance with an approved farm management plan in accordance with))~~
2484 allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.
2485 B. For the purposes of this chapter, proof of agricultural activities may be

2486 demonstrated through one or more of the following:

2487 1. filing of an IRS tax form or schedule for the preceding year demonstrating

2488 commercial production of agricultural products, including but not limited to a form 1040

2489 schedule F or form 1120 with a farming or crop production business activity code;

2490 2. currently holds a USDA organic certification producer certification;

2491 3. filing of a USDA form CCC-902e;

2492 4. enrolled in the current use classification "farm and agricultural land" under

2493 chapter 84.34 RCW; or

2494 5. other comparable documentation of commercial farming activity accepted by

2495 the department, such as two or more of the following:

2496 a. lease agreements identifying the land is used for agriculture;

2497 b. USDA farm business plan; or

2498 c. USDA Farm Service Agency farm loan.

2499 C. Farm management plans shall be consistent with this section and, for livestock

2500 activities, ((a farm management plan in accordance)) also consistent with K.C.C. chapter

2501 21A.30.

2502 ~~((B.))~~ D. This section does not modify any requirement that the property owner

2503 obtain permits for activities covered by the farm management plan.

2504 ~~((C. The department of natural resources and parks or its designee shall serve as~~

2505 ~~the single point of contact for King County in providing information on farm~~

2506 ~~management plans for purposes of this title. The department of natural resources and~~

2507 ~~parks shall adopt a public rule governing the development of farm management plans.~~

2508 ~~The rule may provide for different types of farms management plans related to different~~

2509 ~~kinds of agricultural activities, including, but not limited to the best management~~
2510 ~~practices for livestock management, livestock crossing, livestock heavy use areas,~~
2511 ~~horticulture management, site development, farm pads, farm field access roads, and~~
2512 ~~agricultural drainage.~~

2513 ~~D.))~~ E. A property owner or applicant seeking to use the process to allow
2514 alterations in critical area buffers shall ~~((develop))~~ have an approved farm management
2515 plan based on the following goals, which are listed in order of priority:

2516 1. To maintain the productive agricultural land base and economic viability of
2517 agriculture on the site;

2518 2. To maintain, restore, or enhance critical areas to the maximum extent
2519 practical in accordance with the site-specific goals of the landowner;

2520 3. To the maximum extent practical in accordance with the site-specific goals of
2521 the landowner, maintain, and enhance natural hydrologic systems on the site;

2522 4. To use federal, state, and local best management practices and best available
2523 science for farm management to achieve the goals of the farm management plan; and

2524 5. To monitor the effectiveness of best management practices and implement
2525 additional practices through adaptive management to achieve the goals of the farm
2526 management plan.

2527 ~~((E.))~~ F. If a part or all of the site is located within the shoreline jurisdiction, the
2528 farm management plan shall:

2529 1. Consider and be consistent with the goals of the shoreline management act
2530 and the policies of the King County shoreline master program;

2531 2. Consider the priorities of the King County shoreline protection and

2532 restoration plan; and

2533 3. Ensure no net loss of shoreline ecological functions and critical area functions
2534 and values.

2535 ~~((F. The property owner or applicant may develop the farm management plan as~~
2536 ~~part of a program offered or approved by King County.))~~ G. The plan shall include, but
2537 is not limited to, the following elements:

2538 1. A site inventory identifying critical areas, structures, cleared and forested
2539 areas, and other significant features on the site;

2540 2. Site-specific performance standards and best management practices to
2541 maintain, restore, or enhance critical areas and ~~((their))~~ associated buffers, and maintain
2542 and enhance native vegetation on the site, including the best management practices for
2543 the installation and maintenance of farm field access drives and agricultural drainages;

2544 3. A plan for future changes to any existing structures or for any changes to the
2545 landscape that involve clearing or grading;

2546 4. A plan for implementation of performance standards and best management
2547 practices;

2548 5. A plan for monitoring the effectiveness of measures taken to protect critical
2549 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm
2550 management plan shall occur if ~~((adverse))~~ impacts ~~((occur))~~ to critical areas or
2551 associated buffers are identified.

2552 ~~((G.))~~ H. If applicable, a farm management plan shall include documentation of
2553 compliance with flood compensatory storage and flood conveyance in accordance with
2554 K.C.C. 21A.24.240.

2555 ~~((H-A))~~ I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a
2556 farm management plan is not effective until approved by the county. Before approval,
2557 the county may conduct a site inspection, ~~((which may be through a program offered or~~
2558 ~~approved by King County,))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish
2559 the goals in subsection ~~((D-))~~ E. of this section and consistent with subsection ~~((E-))~~ E. of
2560 this section.

2561 ~~((I-))~~ J. ~~((Once approved, a))~~ Activities carried out ~~((in compliance))~~ consistent
2562 with ~~((the))~~ an approved farm management plan shall be deemed in compliance with this
2563 chapter. In the event of a potential code enforcement action, ~~((the department of local~~
2564 ~~services, permitting division, shall first inform the department of natural resources and~~
2565 ~~parks of the activity. Before taking code enforcement action,))~~ the department of local
2566 services, permitting division, shall consult with the department of natural resources and
2567 parks and the King Conservation District to determine whether the activity is consistent
2568 with the farm management plan.

2569 SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C.
2570 21A.24.061 are hereby amended to read as follows:

2571 A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm
2572 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural
2573 resource land and rural area residents to establish and maintain a rural lifestyle that
2574 includes activities such as farming ~~((and forestry))~~, while maintaining and enhancing
2575 rural character and environmental quality.

2576 B. The department of natural resources and parks shall be responsible for farm
2577 management plans that are filed with the county and serve as the primary county agency

point of contact. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out the responsibilities under this chapter relating to farm management plans. King County and the King Conservation District may enter into agreements to carry out the provisions of this title relating to farm management plans.

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

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

a. Request consultation and comment from federally recognized Indian tribes no less than sixty days before the adoption of the final rule;

b. Offer to meet with federally recognized Indian tribes to review how comments are addressed in the final rule before adoption; and

c. Provide, as supplemental material to the final rule, a summary of comments and how the final rule addresses the comments.

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

~~((C.))~~ D. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, the cost of such assistance shall be ((provided at little or no cost to)) shall be minimal to landowners. ((In addition, t))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ~~((and make available to the public,))~~ model farm management ~~((forest management and rural stewardship))~~ plans illustrating examples of plan application content, drawings, and site plans, ~~((to assist landowners in their development of site-specific plans for their property))~~ and make them available to the public.

~~((D. The department of natural resources and parks is the primary county agency responsible for rural stewardship plans and farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out its~~

responsibilities under this chapter relating to rural stewardship plans and farm management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to rural stewardship plans and farm management plans.))

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((rural stewardship and)) farm management plans in meeting the goals and objectives of those plans established in this chapter.

F.1. The department of natural resources and parks shall maintain an inventory of farm management plans required to be submitted, reviewed, or approved by King County as a condition of participation in the public benefit rating system, a critical area alteration related to agriculture, or agricultural and livestock standards in K.C.C. chapter 21A.24 or K.C.C. chapter 21A.30.

2. The update to the farm management public rule in subsection C.1. of this section shall establish the procedures and the specific types of information to be collected as part of the inventory.

3. The department shall make available and update annually an aggregated summary of the inventory on the county website.

SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. ((The director may approve alterations to)) If application of this chapter denies all reasonable use or prohibits a development proposal, an applicant may apply for an

exception in accordance with this section. Except in flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, an exception under this section may be allowed in critical areas, critical area buffers, and critical area setbacks~~((except for flood hazard areas, not otherwise allowed by this chapter as follows:~~

~~1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when)).~~

B. A request for an exception in the shoreline jurisdiction shall be processed as a shoreline variance under K.C.C. 21A.44.090.

C. A public agency or utility may apply for a critical area alteration exception if application of this chapter denies a development proposal. A public agency or utility critical area alteration exception shall meet all of the following criteria~~((are met))~~:

~~((a-))~~1. ((t))~~There is no feasible alternative~~~~((t))~~ or location for the development proposal with less~~((adverse))~~ impact on the critical area;

~~((b-))~~2. ((t))~~The development proposal minimizes~~~~((the adverse))~~ impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

~~((c-))~~3. ((t))~~The~~~~((approval does not require the modification of a critical area development standard established by))~~ strict application of this chapter would prohibit the provision of public agency or utility services to the public;

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

2670 ~~((e. the))~~ 5. For linear alterations:

2671 ~~((1))~~ a. the alteration connects to or is ~~((an alteration to))~~ a public roadway,

2672 regional light rail transit line, public trail, ~~((a))~~ utility corridor or utility facility, railroad,

2673 hydroelectric generation facility, or other public infrastructure owned or operated by a

2674 public utility; or

2675 ~~((2))~~ b. the alteration is required to overcome limitations due to gravity;

2676 ~~((2. In order to accommodate the siting of a regional light rail transit facility~~

2677 ~~under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~

2678 ~~area buffers and critical area setbacks not otherwise allowed by this chapter and may~~

2679 ~~impose reasonable conditions to minimize the impact of the light rail transit facility on~~

2680 ~~the critical area and its buffer; and~~

2681 ~~3. For nonlinear alterations the director may approve alterations to critical areas~~

2682 ~~except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic~~

2683 ~~areas and wildlife habitat conservation areas, and alterations to critical area buffers and~~

2684 ~~critical area setbacks, when all of the following criteria are met:))~~

2685 D. A property owner may apply for a private development critical area alteration

2686 exception if application of this chapter denies a development proposal in a steep slope

2687 hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat

2688 network, critical area buffer, or critical area setback. A private development critical area

2689 alteration exception shall meet all of the following criteria:

2690 ~~((a.))~~ 1. ((1))There is no feasible alternative to the development proposal with

2691 less ~~((adverse))~~ impact on the critical area;

2692 2. The development proposal minimizes impacts on critical areas to the

2693 maximum extent practical and complies with avoidance and mitigation sequencing in
 2694 K.C.C. 21A.24.125;

2695 ~~((b.))~~ 3. ~~((t))~~ The alteration is the minimum necessary to accommodate the
 2696 development proposal;

2697 ~~((e.))~~ 4. ~~((t))~~ The ~~((approval))~~ exception does not require the modification of a
 2698 critical area development standard established by this chapter;

2699 ~~((d.))~~ 5. ~~((t))~~ The development proposal does not pose an unreasonable threat to
 2700 the public health, safety, or welfare on or off the development proposal site and is
 2701 consistent with the general purposes of this chapter and the public interest;

2702 ~~((e.))~~ 6. ~~((f))~~ For dwelling units, no more than five thousand square feet or ten
 2703 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~
 2704 critical area setbacks, or other land alteration, including grading~~((;))~~ or utility installations
 2705 ~~((and landscaping))~~, but not including the area used for a driveway or for an on-site
 2706 sewage disposal system~~((--When the site disturbance is within a critical area buffer, the~~
 2707 ~~building setback line shall be measured from the building footprint to the edge of the~~
 2708 ~~approved site disturbance;~~

2709 ~~f. to the maximum extent practical, access is located to have the least adverse~~
 2710 ~~impact on the critical area and critical area buffer)); and~~

2711 ~~((g.))~~ 7. ~~((t))~~ The ~~((critical area is not ~~((used as a salmonid))~~ development~~
 2712 proposal will not directly impact an aquatic area, wetland, wildlife habitat conservation
 2713 area, or fish spawning area~~((; and~~

2714 ~~h. the director may approve an alteration in a category II, III, and IV wetland~~
 2715 ~~for development of a public school facility.~~

~~B. The director may approve alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas;)).~~

E. An applicant may apply for a reasonable use exception in any critical area or buffer, except flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, if the application of this chapter would deny all reasonable use of the property ((as follow)). A reasonable use exception shall meet all of the following:

~~1. ((If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all of the following criteria are met:~~

~~a. t))~~ There is no other reasonable use with less ((adverse)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

3. The alteration is the minimum necessary to allow for reasonable use of the property;

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

~~((e. any authorized alteration to the critical area or critical area buffer is the~~

2739 ~~minimum necessary to allow for reasonable use of the property;))~~ and

2740 ~~((d.))~~ 5. ~~((f.))~~ For dwelling units, no more than five thousand square feet or ten

2741 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~

2742 critical area setbacks, or other land alteration, including grading~~((;))~~ or utility

2743 installations, ~~((and landscaping))~~ but not including the area used for a driveway or for an

2744 on-site sewage disposal system~~((; and~~

2745 ~~2. If the critical area, critical area buffer or critical area setback is located within~~

2746 ~~the shoreline jurisdiction, the request for a reasonable use exception shall be considered a~~

2747 ~~request for a shoreline variance under K.C.C. 21A.44.090)).~~

2748 ~~((C.))~~ E. For the purpose of this section:

2749 1. ~~(("Linear" alteration means infrastructure that supports development that is~~

2750 ~~linear in nature and includes public and private roadways, public trails, private~~

2751 ~~driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility~~

2752 ~~corridors and utility facilities))~~ When a site disturbance is within a critical area or

2753 associated buffer, the critical area setback line shall be measured from the edge of a

2754 structure to the edge of the approved site disturbance; and

2755 2. ~~((For purposes of subsections A. and B. of this section, a))~~ Areas located

2756 ~~((within the shoreline jurisdiction that are))~~ below the ordinary high water mark shall not

2757 be included in calculating the site area.

2758 ~~((D. Alteration))~~ G. ~~((e.))~~ Exceptions approved under this section shall meet the

2759 mitigation requirements of this chapter.

2760 ~~((E.))~~ H. An ~~((applicant))~~ application for an ~~((alteration))~~ exception shall

2761 ~~((submit))~~ provide a critical area report~~((, as required by))~~ consistent with K.C.C.

2762 21A.24.110.

2763 I. An exception shall not be approved if the inability of the applicant to derive
2764 reasonable use of the property is the result of actions by the current or prior property
2765 owner.

2766 SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C.

2767 21A.24.090 are hereby amended to read as follows:

2768 ~~((If a development proposal site contains or is within a critical area, the applicant~~
2769 ~~shall submit an affidavit which declares whether))~~ An applicant for a development permit
2770 or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance,
2771 shall provide:

2772 A. A disclosure of critical areas on the development proposal site, including
2773 mapped or identifiable critical areas within the largest potential buffer; and

2774 B. An affidavit indicating whether ((F))the applicant has knowledge of any
2775 illegal alteration to ((any or all)) critical areas or associated buffers on the development
2776 proposal site((; and

2777 ~~B. The applicant previously has been found in violation of this chapter, in~~
2778 ~~accordance with K.C.C. Title 23. If the applicant previously has been found in violation,~~
2779 ~~the applicant shall declare whether the violation has been corrected to the satisfaction of~~
2780 ~~King County)).~~

2781 SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby
2782 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2783 SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
2784 are hereby amended to read as follows:

2785 A.1. A property owner or ~~((the property owner's agent))~~ applicant may ~~((request))~~
2786 apply for a critical area designation for part or all of a site ~~((, without seeking a permit for~~
2787 ~~a development proposal, by filing with the department a written application for a critical~~
2788 ~~area designation on a form provided by the department))~~.

2789 2. ~~((If the request is for review of a portion of a site, t))~~The application shall
2790 include a map identifying ~~((the portion of))~~ the site ~~((for which the designation is~~
2791 ~~sought))~~.

2792 ~~((2. The designation may include an evaluation or interpretation of the~~
2793 ~~applicability of critical area buffers and other critical area standards to a future~~
2794 ~~development proposal))~~ 3. Supporting critical area reports consistent with K.C.C.
2795 21A.24.110 may be required by the department.

2796 B. ~~((In preparing the critical area designation, the department shall perform a~~
2797 ~~critical area review to:~~

2798 ~~1. Determine whether any critical area exists on the site and confirm its type,~~
2799 ~~location, boundaries and classification;~~

2800 ~~2. Determine whether a critical area report is required to identify and~~
2801 ~~characterize the location, boundaries and classification of the critical area;~~

2802 ~~3. Evaluate the critical area report, if required; and~~

2803 ~~4. Document the existence, location and classification of any critical area.~~

2804 C. ~~If required by the department, the applicant for a critical area designation shall~~
2805 ~~prepare and submit to the department the critical area report required by subsection B.2.~~
2806 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~
2807 ~~aquatic areas, the applicant may elect to have the department conduct the special study in~~

2808 ~~accordance with K.C.C. Title 27;~~

2809 ~~D. The department shall make the determination of a critical area designation in~~
2810 ~~writing within one hundred twenty days after the application for a critical area~~
2811 ~~designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.~~
2812 ~~20.20.100.A.1. through 5. are excluded from the one hundred twenty day period. If the~~
2813 ~~determination applies to less than an entire site, the determination))~~ The department shall
2814 evaluate and determine the existence, location, and classification of any critical areas
2815 within the area indicated on the application. The designation shall clearly identify the
2816 portion of the site to which the determination applies.

2817 ~~((E.1.))~~ C. The written determination made under this section is final and
2818 effective for five years from the date of issuance as to the existence, location, and
2819 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2820 ~~((a.))~~ 1. ~~((t))~~There is a change in site conditions;

2821 ~~((b.))~~ 2. New or additional information becomes available that conflicts with or
2822 invalidates information that formed the basis of the department's determination,
2823 including, but not limited to, discovery of an unpermitted critical area alteration or the
2824 adoption of revised methods for critical area classification; or

2825 3. A county, state, or federal agency adopts one of the following critical area
2826 maps that conflict with the department's ~~((written))~~ determination;

2827 a. Critical aquifer recharge areas;

2828 b. Wildlife habitat network;

2829 c. Channel migration zones; or

2830 d. Flood hazard areas.

2831 ~~((2. As part of its review of a complete application for a permit or approval, the~~
2832 ~~department shall establish whether the written determination is still effective.~~

2833 ~~F. If the department designates critical areas on a site under this section, the~~
2834 ~~applicant for a development proposal on that site shall submit proof that a critical area~~
2835 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~
2836 ~~subsection, the department's determination under this section is final. If the department~~
2837 ~~relies on a critical area designation made under this section during its review of an~~
2838 ~~application for a permit or other approval of a development proposal and the permit or~~
2839 ~~other approval is subject to an administrative appeal, any appeal of the designation shall~~
2840 ~~be consolidated with and is subject to the same appeal process as the underlying~~
2841 ~~development proposal. If the King County hearing examiner makes the county's final~~
2842 ~~decision with regard to the permit or other approval type for the underlying development~~
2843 ~~proposal, the hearing examiner's decision constitutes the county's final decision on the~~
2844 ~~designation. If the King County council, acting as a quasi-judicial body, makes the~~
2845 ~~county's final decision with regard to the permit or other approval type for the underlying~~
2846 ~~development proposal, the King County council's decision constitutes the county's final~~
2847 ~~decision on the designation.))~~

2848 SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C.
2849 21A.24.100 are hereby amended to read as follows:

2850 A. ~~((Before any clearing, grading or site preparation, t))~~The department shall
2851 perform a critical area review ~~((for any))~~ of development ~~((proposal))~~ permit applications
2852 or other requests ~~((for permission))~~ to alter a site to determine ~~((whether there is))~~:

2853 1. The existence, location, and classification of ~~((A))~~ critical areas and active

2854 breeding sites of protected species:

2855 a. on the ((development proposal)) site; and

2856 ~~((2. An active breeding site of a protected species on the development proposal~~

2857 ~~site; or~~

2858 ~~3. A critical area or active breeding site of a protected species that has been~~

2859 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~

2860 ~~from the boundaries of the site)) b. within three hundred feet of the site that can be~~

2861 ~~identified by use of available data and methods, including, but not limited to, visual~~

2862 ~~observations from right-of-way or property with right of entry, mapping, aerial imagery,~~

2863 ~~and other critical area determinations and critical area reports;~~

2864 2. The boundaries of buffers and critical area setbacks that apply to the site and

2865 area within three hundred feet of the site, consistent with the standards and regulations of

2866 this chapter; and

2867 3. Compliance with all other standards and regulations of this chapter.

2868 B. As part of the critical area review, the department shall review ~~((the critical~~

2869 ~~area reports and determine))~~ whether:

2870 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area

2871 designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

2872 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical

2873 area reports are required;

2874 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,

2875 associated buffers, and critical area setbacks have been applied to the site and accurately

2876 identified, delineated, and classified in the application;

2877 4. ~~((The sequence))~~ Proposed alterations comply with avoidance and mitigation
2878 sequencing in K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas~~
2879 ~~and critical area buffers))~~; ~~((and))~~

2880 5. Proposed ~~((M))~~ mitigation measures to compensate for ~~((adverse))~~ impacts to
2881 critical areas ~~((is required and whether the mitigation and monitoring plans and bonding~~
2882 ~~measures proposed by the applicant are sufficient to protect the general public health,~~
2883 ~~safety and welfare,))~~ and associated buffers are in compliance with K.C.C. 21A.24.130
2884 and all other applicable requirements of this chapter; and

2885 6. Proposed alterations are consistent with the goals, purposes, objectives, and
2886 requirements of this chapter.

2887 C. If a development proposal does not involve any site disturbance, clearing, or
2888 grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04,
2889 critical area review is not required, unless the development proposal is located within a:

2890 1. Flood hazard area;

2891 2. Critical aquifer recharge area; or

2892 3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area,
2893 seismic hazard area, or coal mine hazard area and the proposed development will cause
2894 additional loads on the foundation, such as by expanding the habitable square footage of
2895 the structure or by adding or changing structural features that change the load bearing
2896 characteristics of the structure.

2897 D. The determinations made under critical area review of a development proposal
2898 permit application shall be consolidated with and subject to the same appeal process as
2899 the underlying development proposal, except for any determinations made under an

effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as a standalone decision under K.C.C. 20.20.020.

SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:

A. ~~((An applicant for a development proposal that requires))~~ A critical area report may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit the scope of a critical area report ((at a level determined by the department)) if information is not needed to adequately evaluate the proposal and all probable impacts.

B. ~~((The applicant may combine a))~~ In addition to the requirements in this section, critical area reports shall also include ecological and geological report information in sections 58 and 59 of this ordinance based on the affected critical area:

1. Geological critical area report requirements under section 58 of this ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and associated buffers; and

2. Ecological critical area report requirements under section 59 of this ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, and associated buffers.

C. ~~((e))~~ Critical area reports may be combined with any additional studies required by other laws and regulations.

~~((C.))~~ D. If the development proposal will affect only a part of the development

proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

~~((D:))~~ E.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. ~~((A))~~a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. ~~((D))~~documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. ~~((D))~~documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

d. ~~((A))~~an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or more))~~ of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

2946 (5) water quality;

2947 (6) water quantity, including flood and low flow depths, volumes, and

2948 velocities;

2949 (7) the river or stream channel's natural planform pattern and migration

2950 process;

2951 (8) spawning substrate, if applicable; and

2952 (9) floodplain refugia, if applicable.

2953 ~~((2. The department must require a project with adverse effects to comply with~~

2954 ~~the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125~~

2955 ~~and 21A.24.130.))~~

2956 NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24

2957 a new section to read as follows:

2958 A. A geological critical area report shall meet the requirements of this section.

2959 B. The geological critical area report shall address all areas of the proposed

2960 development site and geologically hazardous areas within three hundred feet of the site or

2961 that have the potential to affect or be affected by the proposal.

2962 C. The geological critical area report shall be prepared, stamped, and signed by a

2963 geological professional. The geological assessment shall include a field investigation and

2964 may include the use of historical aerial photo analysis, review of public records and

2965 documentation, and interviews with adjacent property owners or others knowledgeable

2966 about the area, as well as other methods approved by the department. The geological

2967 assessment shall include a detailed review of the field investigations, published data and

2968 references, data and conclusions from past geological assessments, or geotechnical

2969 investigations of the site, site-specific measurements, tests, investigations, or studies, as
2970 well as the methods of data analysis and calculations that support the results, conclusions,
2971 and recommendations.

2972 D. The geological critical area report shall contain, at a minimum, the following
2973 information:

2974 1. Basic information including:

2975 a. the name and contact information of the applicant; the name, qualifications,
2976 and contact information for the primary author or authors of the report; and a description
2977 of the proposal; and

2978 b. parcel number or numbers of the site;

2979 2. A description of site conditions that includes:

2980 a. existing development including structures, impervious surfaces, wells, drain
2981 fields, drain field reserve areas, roads, easements, and above and below ground utilities;

2982 b. the extent, quantity and type of existing vegetation cover;

2983 c. a description of the ground surface inclination in percent gradient;

2984 d. a description and location of the surface and subsurface hydrology,
2985 including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface
2986 expressions of groundwater. The director may require a hydrogeologic report to
2987 accompany the geotechnical assessment if impacts are anticipated;

2988 e. identification and characterization of all critical areas and buffers and areas
2989 within the shoreline jurisdiction;

2990 3. A site plan that includes:

2991 a. the existing topography with vertical contour intervals of five feet or less,

2992 for the entire site and abutting public rights-of-way, private roads, or access easements;

2993 b. significant geologic contacts, landslides, or downslope soil movement on

2994 and within three hundred feet of the site;

2995 c. all identified geologically hazardous areas, buffers, and critical area

2996 setbacks;

2997 d. exploration locations;

2998 e. locations of proposed development and clearing limits, if known;

2999 f. transects of any provided cross-sections; and

3000 g. drainage flow characteristics including pipes, drains, catch basins, drainage

3001 structures, culverts, underdrain pipes, and other structures;

3002 4. A description of the geological conditions of the soils and bedrock that

3003 includes:

3004 a. references to mapped geological soil and bedrock units, seismic faults,

3005 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and

3006 historical coal mines;

3007 b. data regarding underlying geology, slope gradients, soil types, and

3008 subsurface information including boring or test pit logs describing soil stratification, and

3009 results of soil tests conducted.

3010 c. a description of the soils in accordance with the Natural Resource

3011 Conservation Service, indicating the potential for erosion;

3012 d. review of the site history regarding landslides, erosion, and prior grading;

3013 e. geomorphological features of the site visible through site inspection, aerial

3014 photography, LIDAR imagery, or topographic contours;

3015 f. on-site soil explorations of sufficient location, distribution, and depth to
3016 adequately characterize the subsurface conditions of the site. Soils analysis shall be
3017 accomplished in accordance with accepted classification systems in use in the region;

3018 g. engineering properties of the subsurface soils or bedrock or both;

3019 h. identification of all existing fill areas; and

3020 i. the location or evidence of seismic faults and soil conditions indicating the
3021 potential for liquefaction;

3022 5. A hazard analysis and finding of risks associated with relevant geologic
3023 hazards and the potential impacts to public safety, the hazard area, and the subject
3024 property, including, but not limited to:

3025 a. slope stability;

3026 b. potential for liquefaction hazard;

3027 c. debris runout, including from upslope on the site or from neighboring
3028 properties and on down slope properties from the site and proposed development;

3029 d. channel migration; and

3030 e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts
3031 to existing or proposed development from waves or currents, stream meandering, or other
3032 erosional forces to determine the recommended solution for bank or shoreline
3033 stabilization in conformance with K.C.C. 21A.25.170;

3034 6. An evaluation of proposed development which includes:

3035 a. the location and description of proposed development activity;

3036 b. the method of drainage and locations of all existing and proposed surface
3037 and subsurface drainage facilities and patterns, including infiltration testing or other

3038 geological review specifics as required by the Surface Water Design Manual;
3039 c. the locations and methods for temporary and permanent erosion control;
3040 d. recommendations for temporary and permanent structure siting limitations,
3041 and foundation type and depth;
3042 e. recommendations on minimum buffers and setbacks for the specific
3043 geological hazard;
3044 f. recommendations for grading procedures, fill placement and compaction
3045 criteria, handling contaminated soils and materials, temporary and permanent slope
3046 inclinations and support, and design criteria for corrective measures and opinions and
3047 recommendations regarding the capabilities of the site;
3048 g. an estimate of bluff retreat rate that recognizes and reflects potential
3049 catastrophic events such as seismic activity or one-hundred-year storm event;
3050 h. recommendations for engineering mitigation of hazards; and
3051 i. recommendations for vegetation management to mitigate hazards;
3052 7. A determination stating whether the alterations minimize risks to people and
3053 development in accordance with the standards of this chapter, and rationale to support the
3054 determination based on the presented data, analysis, and scientific and engineering
3055 practice;
3056 8. An evaluation of how avoidance and mitigation sequencing, consistent with
3057 K.C.C. 21A.24.125, was applied to the development proposal;
3058 9. All subsurface exploration logs, test logs and results, and other data sources
3059 used in the analyses, and
3060 10. Any other information determined by the department to be necessary to

determine compliance with this chapter, including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, or models for estimating how far landslide materials will travel.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An ecological critical area report shall meet the requirements of this section.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. Wetland, aquatic area, and riparian area delineation that includes:
 - a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035, including completed data forms and data point locations;
 - b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms;
 - c. identification of aquatic area locations, typing, and ordinary high water

3084 mark;

3085 d. identification of severe channel migration hazard areas and floodplains; and

3086 e. determination of applicable wetland buffers and riparian areas;

3087 2. A wildlife study and habitat assessment that identifies any known nests or

3088 breeding sites and potential habitat for any federal or state listed endangered, threatened,

3089 sensitive, or candidate species or King County species of local importance, and delineates

3090 any known wildlife habitat conservation areas and wildlife habitat networks;

3091 3. A description of existing on-site and adjacent site conditions that includes:

3092 a. existing development, including, but not limited to, structures, roads,

3093 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing

3094 development is not legally established;

3095 b. the extent and dominant species composition of existing vegetative cover;

3096 c. existing hydrologic characteristics of any wetland or aquatic areas, including

3097 sources of hydrology;

3098 d. functions and values of all critical areas present; and

3099 e. location, species, and diameter at breast height of trees three inches in

3100 diameter at breast height or larger within critical areas and associated buffers that are

3101 within the proposed clearing limits and within striking distance of the proposed

3102 development activity. The department may require tree locations to be surveyed;

3103 4. An evaluation of how avoidance and mitigation sequencing, consistent with

3104 K.C.C. 21A.24.125, was applied to the development proposal;

3105 5. If impacts to critical areas or buffers are proposed, an analysis that includes:

3106 a. calculation of square footage of direct permanent impacts to each critical

3107 area and buffer;

3108 b. calculation of square footage of temporary impacts to each critical area and

3109 associated buffer, and estimation of the time required for ecological functions to be

3110 restored;

3111 c. calculation of indirect impacts to wetlands in accordance with Wetland

3112 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2

3113 Washington state Department of Ecology, publication number 21-06-003, published

3114 April 2021;

3115 d. description of vegetation, habitat, functions, and values of each critical area

3116 that will be lost or modified due to the proposed impacts;

3117 e. an analysis demonstrating that the hydrology of remaining wetlands on or

3118 adjacent to the site will not be substantially impacted by the project, using the wetland

3119 hydrology protection guidelines in the Surface Water Design Manual; and

3120 f. a tree risk assessment prepared by an arborist certified by the International

3121 Society of Arboriculture for any hazard trees proposed for removal within critical areas

3122 or associated buffers;

3123 6. A mitigation plan that includes:

3124 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,

3125 or creation of critical areas and associated buffers for which mitigation is required;

3126 b. description of on-site mitigation activities proposed and justification that

3127 impacts will be adequately offset to ensure no net loss of critical area functions and

3128 values, including use of the credit-debit method as applicable for wetland impacts in

3129 accordance with Calculating Credits and Debits for Compensatory Mitigation in

3130 Wetlands of Western Washington, Washington state Department of Ecology publication
3131 number 10-06-011, published 2010 and updated 2012;

3132 c. calculations of mitigation area required for permanent impacts or long-term
3133 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

3134 d. calculation of restoration area required for temporary impacts where
3135 ecological functions are expected to be restored within one year;

3136 e. depiction of proposed mitigation and restoration areas and example of
3137 planting plan, including irrigation if applicable;

3138 f. plan for installation of wildlife lighting;

3139 g. depiction of wildlife-passable fencing and permanent critical area signs at
3140 the edges of critical areas, associated buffers, and disturbed areas, as applicable; and

3141 h. rationale for and description of any proposed off-site mitigation, including
3142 location, methods, quantities, and demonstration that equal or better ecological functions
3143 will be achieved;

3144 7. A monitoring plan that includes:

3145 a. a monitoring schedule of at least five years, unless otherwise directed by the
3146 department to address site-specific conditions such as inclination over twenty percent,
3147 excessively drained soils, or mitigation occurs in wetland;

3148 b. success criteria for mitigation activities to meet at the end of each
3149 monitoring year;

3150 c. monitoring methods sufficient to determine if success criteria are being met
3151 throughout the mitigation area;

3152 d. a maintenance plan to ensure success criteria are met; and

3153 e. a contingency plan if it is determined that mitigation fails to meet success
3154 criteria;

3155 8. A site plan depicting:

3156 a. critical areas on the site and within three hundred feet of the site;

3157 b. buffer widths;

3158 c. critical area setbacks;

3159 d. existing and proposed alterations, including, but not limited to, structures,
3160 impervious surfaces, utilities, clearing, landscaping, and grading; and

3161 e. property lines, setbacks, and easements; and

3162 9. Additional information determined by the department to be necessary to
3163 comply with this chapter.

3164 SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C.

3165 21A.24.125 are hereby amended to read as follows:

3166 ~~((A. An applicant for a development proposal or alteration, shall apply the~~
3167 ~~following sequential measures, which appear in order of priority,))~~ When an alteration to
3168 a critical area is proposed, the following avoidance and mitigation sequencing shall be
3169 applied in the following order of priority to avoid and minimize impacts to critical areas
3170 and critical area buffers:

3171 ~~((1.))~~ A. Avoiding the impact or hazard by not taking a certain action;

3172 ~~((2.))~~ B. Minimizing the impact or hazard by:

3173 ~~((a.))~~ 1. limiting the degree or magnitude of the action with appropriate
3174 technology; or

3175 ~~((b.))~~ 2. taking affirmative steps to avoid or reduce impacts, such as project

3176 redesign, relocation, or timing;

3177 ~~((3.))~~ C. Rectifying the impact ~~((to critical areas))~~ by repairing, rehabilitating, or

3178 restoring the affected critical area or its buffer;

3179 ~~((4.))~~ D. Minimizing or eliminating the hazard by restoring or stabilizing the

3180 hazard area through engineered or other methods;

3181 ~~((5.))~~ E. Reducing or eliminating the impact or hazard over time by preservation

3182 or maintenance operations during the life of the ~~((development proposal or))~~ alteration;

3183 ~~((6.))~~ F. Compensating for the ~~((adverse))~~ impact by replacing or enhancing

3184 critical areas and their buffers or creating substitute critical areas and their buffers; and

3185 ~~((7.))~~ G. Monitoring the impact, hazard, or success of required mitigation and

3186 taking ~~((remedial))~~ corrective action.

3187 ~~((B. The specific mitigation requirements of this chapter for each critical area or~~

3188 ~~requirements determined through the resource mitigation reserves program apply when~~

3189 ~~compensation for adverse impacts is required by the sequence in subsection A. of this~~

3190 ~~section.))~~

3191 SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C.

3192 21A.24.130 are hereby amended to read as follows:

3193 A. ~~((If m))~~ Mitigation ~~((is))~~ required under this chapter ~~((to compensate for~~

3194 ~~adverse impacts, unless otherwise provided, an applicant))~~ shall:

3195 1. ~~((Mitigate adverse impacts to:~~

3196 a. ~~critical areas and their buffers; and~~

3197 b. ~~the development proposal as a result of the proposed alterations on or near~~

3198 ~~the critical areas; and~~

3199 ~~2. Monitor the performance of any required mitigation))~~ Only occur after
3200 avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;
3201 ~~2. Achieve no net loss of critical area functions;~~
3202 ~~3. Prevent risk from hazards posed by the critical area; and~~
3203 ~~4. Not create impacts on other critical area functions.~~
3204 B. ~~((The department shall not approve a development proposal until mitigation~~
3205 ~~and monitoring plans are in place to mitigate for alterations to critical areas and buffers))~~
3206 Preferential consideration shall be given to measures that replace the impacted functions
3207 directly and in the immediate vicinity of the impact.
3208 C. ~~((Whenever mitigation is required, an applicant shall submit a critical area~~
3209 ~~report that includes:~~
3210 ~~1. An analysis of potential impacts;~~
3211 ~~2. A mitigation plan that meets the specific mitigation requirements in this~~
3212 ~~chapter for each critical area impacted; and~~
3213 ~~3. A monitoring plan that includes:~~
3214 ~~a. a demonstration of compliance with this title;~~
3215 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~
3216 ~~impacts if:~~
3217 ~~(1) the department determines that failure of the mitigation would result in a~~
3218 ~~significant impact on the critical area or buffer; or~~
3219 ~~(2) the mitigation involves the creation of a wetland; and~~
3220 ~~c. a monitoring schedule that may extend throughout the impact of the activity~~
3221 ~~or, for hazard areas, for as long as the hazard exists.))~~ A critical area report and

3222 mitigation and monitoring plan is required for any development proposal that includes
3223 mitigation.

3224 D. The department shall require appropriate safeguards, terms, or conditions as
3225 necessary to ensure no net loss of critical area functions as conditions of approval for
3226 mitigation measures, including, but not limited to, conservation easements, financial
3227 guarantees in accordance with K.C.C. Title 27A, and performance monitoring.

3228 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves
3229 ~~((the))~~ mitigation and monitoring plans. The applicant shall notify the department when
3230 mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King
3231 County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections
3232 during ~~((any))~~ the monitoring period.

3233 ~~((E-))~~ F. If monitoring reveals a significant deviation from predicted impact or a
3234 failure of mitigation requirements, the applicant shall implement an approved
3235 contingency plan. The contingency plan constitutes new mitigation and is subject to all
3236 mitigation requirements, including a revised monitoring plan, ~~((and))~~ revised financial
3237 guarantees, ~~((requirements))~~ and an extension of the monitoring period by at least two
3238 years.

3239 SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C.
3240 21A.24.133 are hereby amended to read as follows:

3241 A. ~~((To the maximum extent practical, an applicant shall mitigate adverse~~
3242 ~~impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat~~
3243 ~~network))~~ Mitigation shall be prioritized on or contiguous to the development site.

3244 B. The department may approve mitigation that is off-site ~~((the development~~

3245 site)) if an applicant demonstrates that:

3246 1. It is not practical to mitigate on or contiguous to the development proposal
3247 site, such as constraints due to site conditions or lot size; ~~((and))~~

3248 2. The off-site mitigation will achieve ~~((equivalent or greater))~~ equal or better
3249 hydrological, water quality, and ~~((wetland or aquatic area))~~ habitat functions~~((:));~~ and

3250 3. The off-site mitigation addresses limiting factors or identified critical needs
3251 for critical area resource conservation based on watershed or comprehensive resource
3252 management plans applicable to the area of impact.

3253 ~~((B:))~~ C. ~~((When off-site mitigation is authorized, t))~~ The department shall give
3254 priority to locations within the same drainage subbasin as the development proposal site
3255 and that meet the following:

3256 1. Mitigation banking sites and resource mitigation reserves as authorized by
3257 this chapter;

3258 2. Private mitigation sites that are established in compliance with the
3259 requirements of this chapter and approved by the department; ~~((and))~~ or

3260 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~
3261 supported by ecological assessments, including wetland and aquatic areas established as
3262 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

3263 ~~((C:))~~ D. The department ~~((may))~~ shall require ~~((documentation))~~ that the
3264 mitigation site ~~((has been))~~ be permanently preserved from future development or
3265 alteration that would be inconsistent with the functions of the mitigation. The applicant
3266 shall provide documentation ~~((may include, but is not limited to,))~~ such as a conservation
3267 easement or other agreement between the applicant and owner of the mitigation site.

3268 King County may enter into agreements or become a party to any easement or other
3269 agreement necessary to ensure that the site continues to exist in its mitigated condition.

3270 ~~((D:))~~ E. The department shall maintain a list of sites available for use for off-site
3271 mitigation projects.

3272 ~~((E:))~~ E.1. The department ~~((and the department of natural resources and parks
3273 have develop a program to allow the payment of a fee in lieu of providing mitigation on a
3274 development site.))~~ may approve mitigation through the King County mitigation reserve
3275 program. The program addresses:

3276 a. when the payment of a fee is allowed considering the availability of a site in
3277 geographic proximity with comparable hydrologic and biological functions and potential
3278 for future habitat fragmentation and degradation; and

3279 b. the use of the fees for mitigation on public or private sites that have been
3280 ~~((ranked according to ecological criteria through one or more programs that have
3281 included a public process))~~ selected using a watershed approach, in accordance with the
3282 approved in-lieu fee program instrument.

3283 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
3284 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an
3285 electronic copy with the clerk of the council, who shall retain the original and provide
3286 a~~((n electronic))~~ copy to all councilmembers, the council chief of staff, and the lead staff
3287 for the transportation, economy, and environment committee or its successor. The report
3288 should address the following:

3289 a. information on the amount and source of revenues received by the program;
3290 b. a description and rationale for projects selected for funding;

- 3291 c. an accounting of budgeted and actual expenditures made; and
3292 d. the status of all projects approved in the previous five years, and anticipated
3293 completion date for those projects, if not yet complete.

3294 NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter
3295 21A.24 a new section to read as follows:

3296 A. Revegetation in critical areas and critical area buffers shall:

- 3297 1. Meet the mitigation standards in this chapter;
3298 2. Provide equal or better ecological function compared to existing conditions;
3299 3. Replicate the structure and function of the historic native plant community,
3300 except when restoring temporary impacts to a legally altered plant community;
3301 4. Use only native or climate-adaptive plant species that are well suited to thrive
3302 in the current and future site conditions;
3303 5. Prioritize vegetation native to King County, with the use of approved
3304 climate-adaptive plants only when survival of native vegetation is not expected or not
3305 certain due to local impacts of climate change; and
3306 6. Include measures to restore soil and hydrologic functions when necessary.

3307 B. The department shall consider site-specific conditions and may allow
3308 modifications to planting plans as necessary for revegetation success.

3309 C.1. The department of natural resources and parks shall maintain a list of species
3310 approved for use as climate-adaptive plants for use by the public.

3311 2. The department of natural resources and parks shall establish criteria for the
3312 inclusion of species in the list including, but not limited to, the following:

3313 a. The species is not invasive and would not extirpate existing native plant

3314 species in King County;

3315 b. The species would not result in a loss of native plant or wildlife biodiversity,

3316 including native specialist insect species; and

3317 c. The planting activities would not spread or transmit disease.

3318 3. The department of natural resources and parks shall establish a process for

3319 inclusion of species into the list including, but not limited to, the following:

3320 a. providing opportunity for interested parties to petition a species to be added

3321 or removed from the list;

3322 b. a pathway for applicants to petition use of a species on a project-specific

3323 basis during permit review;

3324 c. requesting consultation and comment from federally recognized Indian

3325 tribes no less than sixty days before initial publishing or updating of the climate-adaptive

3326 plant list;

3327 d. offering to meet with federally recognized Indian tribes to review how

3328 comments are addressed before publication of the list; and

3329 e. providing, as supplemental material to the list, a summary of comments and

3330 how the list addresses the comments.

3331 4. The initial list shall be published no later than December 31, 2026, and the

3332 list shall be evaluated and updated in conjunction with the Comprehensive Plan update

3333 required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including

3334 but not limited to, substantive changes in state or local critical area regulations or

3335 substantive findings from critical area monitoring or adaptive management.

3336 SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C.

3337 21A.24.170 are hereby amended to read as follows:

3338 A. Except as otherwise provided in subsection ~~((e))~~ C. of this section, the owner
3339 of any property containing critical areas or buffers on which a development proposal is
3340 submitted or any property on which mitigation is established ~~((as a result of~~
3341 ~~development))~~ shall file a notice on title ~~((approved by King County))~~ with the records
3342 and licensing services division. The notice on title shall be on a form approved by the
3343 department and inform the public of:

- 3344 1. The presence of critical areas ~~((or))~~, buffers, or mitigation sites on the
3345 property;
- 3346 2. The application of this chapter to the property; ~~((and))~~
- 3347 3. The possible existence of limitations on actions in or affecting the critical
3348 areas or buffers or the fact that mitigation sites may exist; and
- 3349 4. The existence of approved wetland buffer or riparian area averaging or
3350 reductions on the property.

3351 B. ~~((The applicant for a development proposal shall submit p))~~ Proof that the
3352 notice ~~((required by this section))~~ on title has been filed ~~((for public record))~~ shall be
3353 submitted before ~~((King County))~~ the department approves any development proposal for
3354 the property or ~~((;))~~ before recording in the case of subdivisions, short subdivisions, and
3355 binding site plans ~~((, at or before recording of the subdivision, short subdivision, or~~
3356 ~~binding site plan))~~.

3357 C. The notice required under subsection A. of this section is not required if:

- 3358 1. The property is a public right-of-way or the site of a permanent public
3359 facility;

3360 2. The development proposal does not require ~~((sensitive))~~ critical area review
3361 under K.C.C. 21A.24.100.C.; or

3362 3. The property only contains a critical aquifer recharge area or an erosion
3363 hazard area.

3364 D. Notices on title shall run with the land regardless of ownership, use, or land
3365 division. However, a property owner may apply to the county to have a notice on title
3366 removed or amended, under either of the following circumstances:

3367 1. The department, as part of a critical area review of a permit application or a
3368 critical area designation, determines the information contained in an existing notice on
3369 title is no longer accurate, such as in its type or location; or

3370 2. An adopted critical area map was updated indicating a reclassification or
3371 declassification of one of the following critical areas on the subject property:

3372 a. critical aquifer recharge areas;

3373 b. wildlife habitat network;

3374 c. channel migration zones; or

3375 d. flood hazard areas.

3376 SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C.

3377 21A.24.180 are hereby amended to read as follows:

3378 A. ~~((The applicant))~~ Critical area tracts protect and enhance critical area
3379 functions and values including, but not limited to, providing fish and wildlife habitat, and
3380 protecting the public from geologic hazards and increased stormwater runoff.

3381 Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to
3382 delineate and protect ~~((those))~~ the following critical areas and associated buffers ~~((listed~~

3383 ~~below in development proposals for subdivisions, short subdivisions or binding site plans~~
3384 ~~and shall record the tracts on all documents of title of record for all affected lots)):~~

3385 1. ~~((All-1))~~Landslide hazard areas and buffers that are one acre or ~~((more in~~
3386 ~~size))~~ larger;

3387 2. ~~((All-s))~~Steep slope hazard areas and buffers that are one acre or ~~((more in~~
3388 ~~size))~~ larger;

3389 3. ~~((All-w))~~Wetlands and buffers; ~~((and))~~

3390 4. ~~((All-a))~~Aquatic areas ~~((and buffers))~~;

3391 5. Riparian areas;

3392 6. Alluvial fan hazard areas that are one acre or larger; and

3393 7. Wildlife habitat networks.

3394 B. A critical area tract established under subsection A. of this section shall be
3395 held either:

3396 1. ~~((held))~~ in an undivided interest by each owner of a building lot within the
3397 development with this ownership interest passing with the ownership of the lot~~((;))~~; or

3398 2. ~~((shall be held))~~ by an incorporated homeowner's association or other legal
3399 entity that ensures the ownership, maintenance, and protection of the tract.

3400 C. ~~((The long-term management goals for critical area tracts established under~~
3401 ~~subsection A. of this section are to protect and enhance critical area functions and values,~~
3402 ~~including, but not limited to, providing fish and wildlife habitat and protecting the public~~
3403 ~~from geologic hazards and increased stormwater runoff.))~~ The specific management
3404 strategy for each tract shall be clearly defined before preliminary approval of the
3405 subdivision or binding site plan.

3406 D. For an off-site mitigation area, the applicant shall place the mitigation area in
3407 a critical area tract in accordance with subsection A. of this section, or in a perpetual
3408 conservation easement as approved by the director.

3409 E. In lieu of the requirements of subsections A. and D. of this section, the director
3410 may allow an applicant to include critical areas in resource tracts established under
3411 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the
3412 purpose of the resource portion is for resource management and the purpose of the
3413 designated critical areas is for critical area protection and enhancement and protecting the
3414 public from geologic hazards and increased stormwater runoff.

3415 ((E.)) E. Site plans submitted as part of building permits, clearing, and grading
3416 permits, or other development permits shall include and delineate:

3417 1. ((All of)) Flood hazard areas, as determined by King County in accordance
3418 with K.C.C. 21A.24.230;

3419 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard
3420 areas;

3421 3. Aquatic areas, riparian areas, and wetlands;

3422 4. Wildlife habitat conservation areas and ((the)) wildlife habitat networks;

3423 5. Critical area ((B)) buffers; and

3424 6. ((Building)) Critical area setbacks as required by K.C.C. 21A.24.200.

3425 ((F.)) G. If only a part of the development site has been mapped, the part of the
3426 site that has not been mapped shall be clearly identified and labeled on the site plans.

3427 SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C.
3428 21A.24.200 are hereby amended to read as follows:

3429 A. Unless otherwise provided, ~~((an applicant shall set buildings and other))~~
3430 structures shall be set back a minimum distance of ~~((fifteen))~~ ten feet from the outside
3431 edges of all critical areas and critical area buffers ~~((or from the edges of all critical areas,~~
3432 ~~if no buffers are required))~~. ~~((When the))~~ If site disturbance is within a critical area or an
3433 associated buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the
3434 ~~((building footprint))~~ edge of the structure to the edge of the approved site disturbance.

3435 B. The following are allowed in the ~~((building))~~ critical area setback area:

- 3436 ~~((A.))~~ 1. Landscaping;
- 3437 ~~((B.))~~ 2. Uncovered decks;
- 3438 ~~((C.))~~ 3. Building overhangs if the overhangs do not extend more than eighteen
3439 inches into the setback area;
- 3440 ~~((D.))~~ 4. Impervious ground surfaces, such as driveways and patios~~((, but the))~~;
3441 ~~((i))~~ Improvements are required to meet any special drainage provisions specified in
3442 public rules adopted for ~~((the various))~~ critical areas and the Surface Water Design
3443 Manual;
- 3444 ~~((E.))~~ 5. Utility service connections as long as the excavation for installation
3445 avoids impacts to the critical area or associated buffer; and
- 3446 ~~((F.))~~ 6. Minor encroachments if adequate protection of the buffer will be
3447 maintained.

3448 SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C.

3449 21A.24.275 are hereby amended to read as follows:

3450 The following development standards apply to development proposals and
3451 alterations on sites within channel migration zones that have been mapped and adopted

3452 by public rule:

3453 A. The riparian area development standards ~~((that apply to the aquatic area~~
3454 ~~buffers))~~ in K.C.C. 21A.24.365 shall also apply to ~~((the))~~ severe channel migration
3455 ~~((zone))~~ hazard areas and ~~((the))~~ portions of the moderate channel migration ~~((zone))~~
3456 hazard areas that ~~((is))~~ are within ~~((the aquatic area buffer))~~ riparian areas. The more-
3457 restrictive standards apply where there is a conflict;

3458 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within ~~((a))~~
3459 severe channel migration hazard areas; and

3460 C. The following development standards apply to development proposals and
3461 alterations within ~~((the))~~ moderate channel migration hazard areas:

3462 1. Maintenance, repair, or expansion of any use or structure is allowed if the
3463 existing ~~((structure's))~~ footprint is not expanded towards ~~((any source of))~~ the channel
3464 migration hazard, unless the applicant can demonstrate that the location is the least
3465 subject to risk;

3466 2. New primary dwelling units, accessory dwelling units, or accessory living
3467 quarters, and required infrastructure, are allowed if:

3468 a. the structure is located on a ~~((separate))~~ legally established lot in existence
3469 on or before February 16, 1995;

3470 b. a feasible alternative location outside of the channel migration hazard area is
3471 not available on~~((--))~~ the site; and

3472 c. to the maximum extent practical, the structure and supporting infrastructure
3473 is located the farthest distance from any source of channel migration hazard, unless the
3474 applicant can demonstrate that an alternative location is:

3475 (1) the least subject to risk; or
3476 (2) within the outer third of the moderate channel migration hazard area as
3477 measured perpendicular to the channel;
3478 3. New accessory structures are allowed if:
3479 a. a feasible alternative location is not available on-site; and
3480 b. to the maximum extent practical, the structure is located the farthest distance
3481 from the migrating channel; and
3482 4. The subdivision of property is allowed within the portion of a moderate
3483 channel migration hazard area located outside ~~((an aquatic area buffer))~~ a riparian area if:
3484 a. All lots contain five-thousand square feet or more of net buildable ~~((land))~~
3485 area outside of the moderate channel migration hazard area;
3486 b. Access to all lots does not cross the moderate channel migration hazard
3487 area; and
3488 c. All infrastructure is located outside the moderate channel migration hazard
3489 area except that an on-site septic system is allowed in the moderate channel migration
3490 hazard area if:
3491 (1) a feasible alternative location is not available on-site; and
3492 (2) to the maximum extent practical, the septic system is located the farthest
3493 distance from the migrating channel.

3494 SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C.

3495 21A.24.280 are hereby amended to read as follows:

3496 ~~((The following development standards apply to development proposals and
3497 alterations on sites containing landslide hazard areas:))~~

3498 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3499 alterations identified in K.C.C. 21A.24.045 are allowed within ~~((a))~~ landslide hazard
3500 areas ~~((with a slope of forty percent or greater;))~~ or associated buffers.

3501 B. The following development standards apply to development proposals and
3502 alterations on sites containing landslide hazard areas:

3503 1.a. A buffer is required from all edges of the landslide hazard area. To
3504 eliminate or minimize the risk of property damage or injury resulting from landslides
3505 caused in whole or part by the development, the department shall determine the size of
3506 the buffer based upon a geological critical area report ~~((prepared by a geotechnical~~
3507 ~~engineer or geologist.))~~;

3508 b. If a geological critical area report is not submitted to or required by the
3509 department, the minimum buffer ~~((is))~~ shall be fifty feet~~((-))~~;

3510 c. If the landslide hazard area has a vertical rise of more than two-hundred feet,
3511 the department may increase the minimum ~~((building))~~ critical area setback in ~~((K.C.C.~~
3512 ~~€.))~~ K.C.C. 21A.24.200 to one-hundred feet; and

3513 d. For alterations associated with single detached dwelling units only, the
3514 department may waive the geological critical area report requirement and authorize
3515 buffer reductions if the department determines that the reduction will adequately protect
3516 the proposed development and the landslide hazard area;

3517 ~~((€.))~~ 2. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part
3518 of an allowed alteration, removal of any vegetation from a landslide hazard area or
3519 associated buffer is prohibited;

3520 ~~((D.-AH))~~ 3. ~~((a))~~ Alterations shall minimize disturbance to the landslide hazard

3521 area, slope, and vegetation unless necessary for slope stabilization; ~~((and))~~

3522 ~~((E-))~~ 4. Alterations ~~((in a landslide hazard area located on a slope less than~~

3523 ~~forty percent are allowed if:~~

3524 1. ~~The proposed alteration will))~~ shall not decrease slope stability on contiguous

3525 properties; ~~((and~~

3526 2.)) 5. The risk of property damage or injury resulting from landsliding ~~((is))~~

3527 shall be eliminated or minimized.

3528 The risk of landsliding as a result of slope instability shall be considered to be minimized

3529 where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static

3530 conditions and 1.1 for seismic conditions. Except when a more detailed deformation

3531 analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half

3532 the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site

3533 in the International Building Code and American Society of Civil Engineers 7 standard;

3534 and

3535 6. Alterations shall comply with the requirements and recommendations of the

3536 geological critical area report.

3537 SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in

3538 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

3539 SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C.

3540 21A.24.310 are hereby amended to read as follows:

3541 ~~((The following development standards apply to development proposals and~~

3542 ~~alterations on sites containing steep slope hazard areas:))~~

3543 A. ~~((Except as provided in subsection D. of this section, u))~~ Unless allowed as an

3544 alteration exception under K.C.C. 21A.24.070, only the following alterations ~~((identified~~
3545 ~~in K.C.C. 21A.24.045))~~ are allowed within ~~((a))~~ steep slope hazard areas~~((;))~~ or
3546 associated buffers:

3547 1. Alterations identified in K.C.C. 21A.24.045;
3548 2. Alterations to steep slopes with a vertical elevation change of up to twenty
3549 feet where no impact will result. The department may approve this exemption based on a
3550 review of and concurrence with a geological critical area report; and

3551 3. Regrading of any slope that was created through previous legal grading
3552 activities. Any slope that remains forty percent or steeper after alterations are completed
3553 are subject to requirements for steep slope hazard areas.

3554 B. The following development standards apply to development proposals and
3555 alterations on sites containing steep slope hazard areas:

3556 1.a. A buffer is required from all edges of the steep slope hazard area. To
3557 eliminate or minimize the risk of property damage or injury resulting from slope
3558 instability, landsliding, or erosion caused in whole or part by the development, the
3559 department shall determine the size of the buffer based upon a geological critical area
3560 report ~~((prepared by a geotechnical engineer or geologist. The department of local~~
3561 ~~services shall adopt a public rule to implement this subsection, including implementing~~
3562 ~~the requirements for development and review of a critical area report.))~~;

3563 ~~((+))~~ b. For new structures and substantial improvements to existing structures
3564 on sites where any portion of the steep slope hazard area extends into the coastal high
3565 hazard area or sea level rise risk area:

3566 ~~((a-))~~ (1) The geological critical area report shall include an assessment of

3567 current and future risks of sea level rise conditions anticipated to occur over the next fifty
3568 years and a recommended buffer;

3569 ~~((b.))~~ (2) If a geological critical area report is not submitted to the department,
3570 the minimum buffer shall be seventy-five feet;

3571 ~~((2.))~~ c. For all other development not identified in subsection B.~~((1.))~~2. of this
3572 section:

3573 ~~((a.))~~ (1) If a geological critical area report is not submitted to or required by
3574 the department, the minimum buffer shall be fifty feet; and

3575 ~~((b.))~~ (2) For ~~((building permits for))~~ alterations associated with single
3576 detached dwelling units only, the department may waive the ~~((special study))~~ geological
3577 critical area report requirement and authorize buffer reductions if the department
3578 determines that the reduction will adequately protect the proposed development and the
3579 ~~((critical area))~~ steep slope hazard area;

3580 ~~((C.))~~ 2. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part
3581 of an allowed alteration, removal of any vegetation from a steep slope hazard area or
3582 associated buffer is prohibited; ~~((and~~

3583 ~~D. All alterations are allowed in the following circumstance:~~

3584 ~~1. Slopes which are forty percent or steeper with a vertical elevation change of~~
3585 ~~up to twenty feet if no adverse impact will result from the exemption based on King~~
3586 ~~County's review of and concurrence with a soils report prepared by a geologist or~~
3587 ~~geotechnical engineer; and~~

3588 ~~2. The approved regrading of any slope which was created through previous~~
3589 ~~legal grading activities. Any slope which remains forty percent or steeper following site~~

3590 ~~development shall be subject to all requirements for steep slopes))~~

3591 3. The risk of property damage or injury resulting from slope instability shall be
3592 eliminated or minimized. The risk of slope instability shall be considered to be
3593 minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5
3594 for static conditions and 1.1 for seismic conditions. Except when a more detailed
3595 deformation analysis is conducted, seismicity shall be modeled as a horizontal force
3596 equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as
3597 given for the site in the International Building Code and American Society of Civil
3598 Engineers 7 standard; and

3599 4. Alterations shall comply with the requirements and recommendations of the
3600 geological critical area report.

3601 SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C.
3602 21A.24.290 are hereby amended to read as follows:

3603 The following development standards apply to development proposals and
3604 alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard
3605 areas are mapped:

3606 A. The department may approve alterations ~~((to seismic hazard areas))~~ only if:

3607 1. The geological critical area report containing an evaluation of site-specific
3608 subsurface conditions shows that the ~~((proposed))~~ development proposal site is not
3609 ~~((located in))~~ a seismic hazard area; or

3610 2. The applicant implements appropriate engineering design based on the best
3611 available engineering and geological practices that either eliminates or minimizes the risk
3612 of structural damage or injury resulting from seismically induced settlement or soil

3613 liquefaction; and

3614 B. The department may waive or reduce engineering study and design

3615 requirements for alterations in seismic hazard areas for:

3616 1. ~~((Mobile))~~ Manufactured homes;

3617 2. Additions or alterations that do not increase occupancy or significantly affect
3618 the risk of structural damage or injury; and

3619 3. One-story buildings with less than two-thousand-five hundred~~((s))~~ square feet
3620 of floor area or roof area, whichever is greater, and that are not dwelling units or used as
3621 places of employment or public assembly.

3622 NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24
3623 a new section to read as follows:

3624 A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within
3625 alluvial fan hazard areas.

3626 B. The following development standards apply to development proposals and
3627 alterations on sites containing alluvial fan hazard areas:

3628 1. A buffer may be required from the edge of the alluvial fan hazard area. To
3629 eliminate or minimize the risk of property damage or injury resulting from inundation,
3630 sedimentation, or erosion caused in whole or part by the development, the department
3631 shall determine the size of the buffer based upon a geological critical area report;

3632 2. A geological critical area report is required for alterations that are on an
3633 alluvial fan or within fifty feet of an alluvial fan;

3634 3. Alterations shall minimize and not increase the risk of inundation,
3635 sedimentation, channel migration, or erosion on adjacent properties;

3636 4. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3637 allowed alteration, removal of any vegetation from an alluvial fan hazard area or
3638 associated buffer is prohibited;

3639 5. Alterations shall minimize disturbance to the alluvial fan hazard area, slope,
3640 and vegetation unless necessary for slope stabilization; and

3641 6. The alteration shall not increase the frequency or magnitude of sediment
3642 management activities or in-stream channel work that could impact fish habitat or
3643 passage.

3644 NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24
3645 a new section to read as follows:

3646 A. This section applies to development proposals on sites that are within tsunami
3647 hazard areas.

3648 B. New and substantially improved residential buildings within a tsunami hazard
3649 area shall be designed to provide protection from inundation and debris impact according
3650 to the projected hazard level. The projected hazard level shall be determined by the
3651 county based on Washington state Department of Natural Resources tsunami inundation
3652 maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and
3653 relevant requirements of the building code in K.C.C. Title 16.

3654 C. Except for buildings that support water-oriented uses, new buildings shall be
3655 located on portions of the parcel or parcels under contiguous ownership that are not
3656 within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under
3657 contiguous ownership are located outside the tsunami hazard area, or if the portion
3658 outside the tsunami hazard area is not feasible for new building purposes, new buildings

shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practical, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment (~~((prepared in accordance with this chapter))~~), the department shall classify coal mine hazard areas as follows:

A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that ~~((the))~~ a hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas directly underlain or ~~((directly))~~ affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but

3682 are not limited to, areas directly underlain or (~~directly~~) affected by abandoned coal mine
3683 workings from a depth of zero, which is the surface of the land, to three hundred feet or
3684 with overburden-cover-to-seam thickness ratios of less than ten to one depending on the
3685 inclination of the seam; and

3686 C. Severe coal mine hazard areas are those areas that pose a significant risk of
3687 catastrophic ground surface collapse. Severe coal mine hazard areas typically include,
3688 but are not limited to, areas characterized by unmitigated openings such as entries,
3689 portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes,
3690 and other areas of past or significant probability for catastrophic ground surface collapse;
3691 or areas characterized by(~~(;)~~) overland surfaces underlain or directly affected by
3692 abandoned coal mine workings from a depth of zero, which is the surface of the land, to
3693 one hundred fifty feet.

3694 SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in
3695 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

3696 SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in
3697 K.C.C. chapter 21A.24 to follow section K.C.C. 21A.24.210, as recodified by this
3698 ordinance.

3699 SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311
3700 are hereby amended to read as follows:

3701 The map entitled King County Critical Aquifer Recharge Areas, included in
3702 Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer
3703 recharge areas in King County in accordance with RCW 36.70A.170, as modified by
3704 notices of map amendment in K.C.C. 21A.24.312.

3705 SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C.
3706 21A.24.312 are hereby amended to read as follows:
3707 A. Upon application supported by a critical area((s)) report that includes a
3708 hydrogeologic site evaluation, the department, in consultation with the department of
3709 natural resources and parks, may determine that an area ~~((that is or is not classified as a))~~
3710 on the critical aquifer recharge area ~~((on the))~~ map adopted under K.C.C. 21A.24.311:
3711 ~~((A-))~~ 1. Does not meet the criteria for a critical aquifer recharge area and
3712 declassify that area if it is classified as a critical aquifer recharge area;
3713 ~~((B-))~~ 2. Has the wrong critical aquifer recharge area classification and determine
3714 the correct classification; or
3715 ~~((C-))~~ 3. Has not been classified as a critical aquifer recharge area and should be
3716 so classified based on the standards of K.C.C. 21A.24.313.
3717 B. Upon reclassification or declassification, a notice of map amendment for the
3718 affected parcel or parcels shall be sent from the department of natural resources and parks
3719 to the property owner, applicant, if applicable, and the county assessor.

3720 SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C.
3721 21A.24.313 are hereby amended to read as follows:

3722 Critical aquifer recharge areas are categorized as follows:

3723 A. Category I critical aquifer recharge areas include those mapped areas that
3724 King County has determined ~~((are))~~:

3725 1. Are ~~((H))~~ highly susceptible to groundwater contamination and that are
3726 located within a sole source aquifer or a wellhead protection area; or

3727 2. Are ~~((I))~~ in an area where hydrogeologic mapping or a numerical flow

3728 transport model in a Washington department of health approved wellhead protection plan
3729 demonstrate that the area is within the one-year time of travel to a wellhead for a Group
3730 A water system;

3731 B. Category II critical aquifer recharge areas include those mapped areas that
3732 King County has determined:

3733 1. Have a medium susceptibility to ground((-))water contamination and are
3734 located in a sole source aquifer or a wellhead protection area; or

3735 2. Are highly susceptible to groundwater contamination and are not located in a
3736 sole source aquifer or wellhead protection area; and

3737 C. Category III critical aquifer recharge areas include those mapped areas that
3738 King County has determined have low susceptibility to groundwater contamination and
3739 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~
3740 Vashon-Maury Island.

3741 SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C.
3742 21A.24.316 are hereby amended to read as follows:

3743 The following development standards apply to development proposals and
3744 alterations on sites containing critical aquifer recharge areas:

3745 A. Except as otherwise provided in subsection H. of this section, the following
3746 new development proposals and alterations are not allowed on a site located in a category
3747 I critical aquifer recharge area:

3748 1. Transmission pipelines carrying petroleum or petroleum products;

3749 2. Sand and gravel, and hard rock mining unless:

3750 a. the site has mineral zoning as of January 1, 2005; or

3751 b. ~~((mining))~~ mineral extraction is an ~~((permitted))~~ allowed use on the site and
3752 the critical aquifer recharge area was mapped after the date a complete application for
3753 mineral extraction on the site was filed with the department;

3754 3. ~~((Mining of any type))~~ Mineral extraction below the upper surface of the
3755 saturated ground~~((--))~~water that could be used for potable water supply;

3756 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3757 5. Hydrocarbon extraction;

3758 6. Commercial wood treatment facilities on permeable surfaces;

3759 7. Underground storage tanks, including tanks that are exempt from the
3760 requirements of chapter 173-~~360A~~ WAC, with hazardous substances, as defined in
3761 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-
3762 360A WAC and K.C.C. Title 17;

3763 8. Above~~((--))~~ground storage tanks for hazardous substances, as defined in
3764 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3765 containment areas and a spill protection plan;

3766 9. Golf courses;

3767 10. Cemeteries;

3768 11. Wrecking yards;

3769 12. Landfills for hazardous waste, municipal solid waste, or special waste, as
3770 defined in K.C.C. chapter 10.04; and

3771 13. On lots smaller than one acre, an on-site septic system, unless:

3772 a. the system is approved by the Washington state Department of Health and
3773 has been listed by the Washington ~~((S))~~state Department of Health as meeting treatment

3774 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or
3775 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
3776 County determines that the systems required under subsection A.13.a. of this section will
3777 not function on the site.

3778 B. Except as otherwise provided in subsection H. of this section, the following
3779 new development proposals and alterations are not allowed on a site located in a category
3780 II critical aquifer recharge area:

3781 1. Mining of any type below the upper surface of the saturated ground~~((--))~~water
3782 that could be used for potable water supply;

3783 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3784 3. Hydrocarbon extraction;

3785 4. Commercial wood treatment facilities located on permeable surfaces;

3786 5.a. Underground storage tanks with hazardous substances, as defined in chapter

3787 70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and

3788 K.C.C. Title 17, ~~((E))~~except for a category II critical aquifer recharge area located over

3789 an aquifer underlying ~~((an island that is surrounded by saltwater, underground storage~~

3790 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~

3791 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17))~~ Vashon-Maury Island; and

3792 b. For a category II critical aquifer recharge area located over an aquifer

3793 underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island,

3794 underground storage tanks, including underground storage tanks exempt from the

3795 requirements of chapter 173-360A WAC, with hazardous substances, as defined in

3796 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with the standards in chapter 173-

3797 360A WAC and K.C.C. Title 17;

3798 6. Above~~((-))~~ground storage tanks for hazardous substances, as defined in

3799 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary

3800 containment areas and a spill protection plan;

3801 7. Wrecking yards;

3802 8. Landfills for hazardous waste, municipal solid waste, or special waste, as

3803 defined in K.C.C. chapter 10.04; and

3804 9. On lots smaller than one acre, an on-site septic systems, unless:

3805 a. the system is approved by the Washington state Department of Health and

3806 has been listed by the Washington state Department of Health as meeting treatment

3807 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3808 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King

3809 County determines that the systems required under subsection B.9.a. of this section will

3810 not function on the site.

3811 C. Except as otherwise provided in subsection H. of this section, the following

3812 new development proposals and alterations are not allowed on a site located in a category

3813 III critical aquifer recharge area:

3814 1. Disposal of radioactive wastes, as defined in chapter ~~((43.200))~~ 70A.384

3815 RCW;

3816 2. Hydrocarbon extraction;

3817 3. Commercial wood treatment facilities located on permeable surfaces;

3818 4. Underground storage tanks, including tanks exempt from the requirements of

3819 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~

3820 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and
3821 K.C.C. Title 17;

3822 5. Above ground storage tanks for hazardous substances, as defined in chapter
3823 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment
3824 areas and a spill protection plan;

3825 6. Wrecking yards; and

3826 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3827 defined in K.C.C. chapter 10.04.

3828 D. The following development standards apply to development proposals and
3829 alterations that are substantial improvements on a site located in a critical aquifer
3830 recharge area:

3831 1. The owner of an underground storage tank, including a tank that is exempt
3832 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer
3833 recharge area or a category II critical aquifer recharge area located over an aquifer
3834 underlying Vashon-Maury Island shall either bring the tank into compliance with the
3835 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or
3836 remove the tank; and

3837 2. The owner of an underground storage tank in a category II critical aquifer
3838 recharge area not located on located over an aquifer underlying Vashon-Maury Island
3839 shall bring the tank into compliance with the standards of chapter 173-360A WAC and
3840 K.C.C. Title 17 or shall properly decommission or remove the tank.

3841 E. In any critical aquifer recharge area, the property owner shall properly
3842 decommission an abandoned well.

3843 F. On a site located in a critical aquifer recharge area within ~~((#))~~Urban
3844 ~~((g))~~Growth ~~((a))~~Area, a development proposal for new residential development,
3845 including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall
3846 incorporate best management practices included in the ~~((King County))~~ Surface Water
3847 Design Manual into the site design in order to infiltrate stormwater runoff to the
3848 maximum extent practical.

3849 G. For critical aquifer recharge areas on Vashon-Maury Island:

3850 1. No new groundwater wells are ~~((permitted))~~ allowed within a coastal high
3851 hazard area. A rainwater catchment system may be used as an alternative water supply
3852 source for a single ~~((family))~~ detached residence if the requirements of ~~((K.C.C.))~~ King
3853 County Board of Health Code BOH 13.04.070 are met;

3854 2. All new groundwater wells within a sea level rise risk area shall include a
3855 surface seal that prevents risks of saltwater contamination caused by sea level rise
3856 conditions anticipated to occur over the next fifty years; and

3857 3.a. The owner of a new well located within the sea level rise risk area shall test
3858 the well for chloride levels using testing protocols approved by the Washington state
3859 Department of Health.

3860 b. The owner shall report the results of the test to ~~((Seattle-King County~~
3861 ~~department of))~~ public health – Seattle & King County and to the department of natural
3862 resources and parks.

3863 c. If the test results indicate saltwater intrusion is likely to occur, the
3864 department of natural resources and parks, in consultation with ~~((Seattle-King County~~
3865 ~~department of))~~ public health – Seattle & King County, shall recommend appropriate

3866 measures.

3867 d. The owner shall implement all recommended measures in addition to the
3868 minimum requirements of this title to prevent saltwater intrusion.

3869 H. On a site greater than twenty acres, the department may approve a
3870 development proposal otherwise prohibited by subsections A., B., and C. of this section if
3871 the applicant demonstrates through a critical area report that the development proposal is
3872 located outside the critical aquifer recharge area and that the development proposal will
3873 not cause an ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer
3874 recharge area.

3875 I. The provisions relating to underground storage tanks in subsections A. through
3876 D. of this section apply only when the proposed regulation of underground storage tanks
3877 has been submitted to and approved by the Washington state ~~((d))~~ Department of
3878 ~~((e))~~ Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~
3879 ~~530))~~ 173-360A-0130.

3880 SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C.
3881 21A.24.318 are hereby amended to read as follows:

3882 A. Identification of wetlands and delineation of their boundaries shall be done in
3883 accordance with the approved federal wetland delineation manual and applicable regional
3884 supplement as set forth in WAC 173-22-035.

3885 B. Wetlands shall be rated into category I, category II, category III, and category
3886 IV based on the adopted Washington State Wetland Rating System for Western
3887 Washington, Washington state Department of Ecology publication number ~~((14-06-029))~~
3888 23-06-009, published October 2014 and updated July 2023.

3889 C. Wetland rating categories shall not recognize illegal modifications.

3890 SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C.

3891 21A.24.325 are hereby amended to read as follows:

3892 A. Except as otherwise provided in this section, buffers shall be provided from
3893 the wetland edge as follows:

3894 1. The buffers shown on the following table apply unless modified in
3895 accordance with subsections B., C., D., and E. of this section:

((WETLAND CATEGORY AND CHARACTERISTICS)) <u>Wetland Category and Characteristics</u>	((INTENSITY OF IMPACT OF ADJACENT LAND USE)) <u>Intensity of Impact of Adjacent Land Use</u>		
	((HIGH IMPACT)) <u>High Impact</u>	((MODERATE IMPACT)) <u>Moderate Impact</u>	((LOW IMPACT)) <u>Low Impact</u>
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	80 feet	60 feet	40 feet

the criteria above			
Category IV	((50)) <u>60</u> feet	((40)) <u>45</u> feet	((25)) <u>35</u> feet

3896 2. For purposes of this subsection A., unless the director determines a lesser
3897 level of impact is appropriate based on information provided by the applicant, the
3898 intensity of impact of the adjacent land use is determined as follows:

3899 a. High impact includes:

3900 (1) sites zoned commercial or industrial;

3901 (2) commercial, institutional, or industrial use on a site regardless of the
3902 zoning classification;

3903 (3) nonresidential use on a site zoned ~~((for residential use))~~ RA, UR, or R,
3904 such as telecommunication towers and associated equipment;

3905 (4) high-intensity active recreation use on a site regardless of zoning, such as
3906 golf courses, ~~((ball))~~ sports fields, and similar use;

3907 (5) all sites within the Urban Growth Area, except recreational uses in
3908 subsection A.2.b.(6) and A.2.c.(2) of this section; ~~((or))~~

3909 (6) Residential zoning greater than one dwelling unit per acre;

3910 (7) railroads; or

3911 (8) federal and state highways, including on-ramps and exits, state routes, and
3912 other roads associated with high impact land uses;

3913 b. Moderate impact includes:

3914 (1) residential uses on sites zoned residential one dwelling unit per acre or
3915 less;

3916 (2) residential use on a site zoned (~~((rural area, agriculture or forestry))~~) RA, A,
3917 or F;

3918 (3) agricultural uses without an approved farm management plan;

3919 (4) forest service roads and roads associated with moderate impact land uses;

3920 (5) utility corridors or right-of-way shared by several utilities, including
3921 maintenance roads; or

3922 ~~((5))~~ (6) moderate-intensity active recreation or open space use, such as
3923 paved trails, parks with biking, jogging, and similar use; and

3924 c. Low impact includes:

3925 (1) forestry uses on a site regardless of zoning classification;

3926 (2) passive recreation uses, such as unpaved trails, nature viewing areas,
3927 fishing and camping areas, and other similar uses that do not require permanent
3928 structures~~((5))~~ on a site regardless of zoning;

3929 (3) agricultural uses carried out in accordance with an approved farm
3930 management plan and in accordance with K.C.C. 21A.24.045~~((D.53. and K.C.C.~~
3931 ~~21A.24.045.D.54.))~~; or

3932 (4) utility corridors without a maintenance road and little or no vegetation
3933 maintenance.

3934 B. ~~((The department may approve a modification of the minimum))~~ Wetland
3935 buffer width ((required by this section by)) averaging ((the buffer width)) may be allowed
3936 if an ecological critical area report demonstrates:

3937 1.a. ~~((The department determines that:~~
3938 ~~a. the b))~~ Buffer averaging will improve wetland protection if the wetland has

significant differences in characteristics that ~~((effect))~~ affect 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;

~~((c.))~~ 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;

~~((e.))~~ 6. ((t)) The buffer is increased adjacent to the higher functioning ~~((area of))~~ habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ~~((as demonstrated by a critical area report from a qualified wetland professional))~~;

7. Buffer averaging is not combined with other buffer reductions or modifications; and

8. Indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications ~~((under the following special circumstances))~~ as follows:

1. For wetland buffers that are unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform necessary buffer functions, the department may require, and the applicant may select, either an increase in the buffer equal to the next higher impact of adjacent land use or revegetated consistent with section 63 of this ordinance;

2. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.6. of this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section;

~~((2.))~~ 3. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ~~((buffer))~~ width ~~((is))~~ shall be the greater of:

a. the wetland buffer width ~~((required by the wetland's category in this section))~~; or

b. the wetland buffer width, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

~~((3.))~~ 4. 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. ~~((t))~~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. ~~((i))~~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;

d. ~~((t))~~The department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

4008 that are commonly recognized to exclusively or partially use wetlands and wetland
4009 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and
4010 e. ~~((§))~~The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
4011 allowed in corridors subject to the same conditions and requirements ~~((as wetland buffers~~
4012 ~~as long as))~~ if the alteration is designed so as not to disrupt wildlife movement through
4013 the corridor;

4014 ~~((4.))~~ 5. Where a legally established public roadway transects a wetland buffer,
4015 the department may approve a modification of the ~~((minimum))~~ required buffer width to
4016 the edge of the roadway if:

4017 a. the part of the buffer on the other side of the roadway sought to be reduced:

4018 ~~((a.))~~ (1) does not provide additional protection of ~~((the proposed development~~
4019 ~~or the))~~ wetland functions and values from the proposed alteration; and

4020 ~~((b.))~~ (2) provides insignificant biological, geological, or hydrological buffer
4021 functions relating to the other portion of the buffer adjacent to the wetland; and

4022 ~~((5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
4023 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~
4024 ~~exceed the standard for a low impact land use, unless the department determines that a~~
4025 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and))~~

4026 b. the applicant provides a written evaluation that includes:

4027 (1) a description of the vegetative composition, hydrologic regime,
4028 topography, and development on both sides of the roadway;

4029 (2) an assessment of the functions that the buffer provides on the other side of
4030 the roadway for wildlife habitat, water quality, and water quantity; and

4031 (3) an analysis of how the roadway fully disconnects the buffer from
4032 providing the assessed functions, and whether the disconnection affects the entirety of the
4033 buffer; and

4034 6. ~~((The buffer widths required for proposed land uses with))~~ For developments
4035 with residential uses, mixed-use, daycares, and social services within the Urban Growth
4036 Area that are categorized as high ((intensity)) impacts to wetlands, the buffer widths can
4037 be reduced to those required for moderate ((intensity)) impacts ((under the following
4038 conditions)) if:

4039 a. all the following measures to minimize impacts of the proposed land uses
4040 are applied:

4041 (1) revegetate with dense native vegetation or climate-adaptive plants along
4042 the edge of the buffer and in any other portion of the buffer wherever existing vegetation
4043 is sparse;

4044 (2) install wildlife lighting and direct all light away from the wetland;

4045 (3) locate noise-generating activities away from the wetland;

4046 (4) install wildlife passable fencing at the edge of the wetland buffer;

4047 (5) attach critical area signs to wildlife passable fencing every fifty to
4048 seventy-five linear feet, as determined by the department, so that a sign is visible from
4049 any point along the edge of the critical area or buffer;

4050 (6) submit an integrated pest and weed management plan that prohibits the
4051 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

4052 (7) demonstrate how each of the following meets the core requirements in the
4053 Surface Water Design Manual, including:

4054 (a) stormwater runoff;

4055 (b) change in water regime; and

4056 (c) erosion and dust control; and

4057 b. ((F))for wetlands that score moderate or high for habitat functions((, which

4058 means six points or higher, the width of the buffer can be reduced if both of the following

4059 criteria are met:

4060 ~~((1) A))~~ a relatively undisturbed vegetated corridor at least one-hundred feet

4061 wide is protected between the wetland and ((any other Priority Habitats as defined by the

4062 Washington state Department of Fish and Wildlife in the priority habitat and species list))

4063 a legally protected, relatively undisturbed, and vegetated area. The corridor ((must))

4064 shall be protected for the entire distance ((between the wetland and the priority habitat))

4065 and ((legally)) recorded via a conservation easement; and

4066 ~~((2) Measures to minimize the impacts of different land uses on wetlands as~~

4067 ~~identified in subsection C.6.b. of this section are applied; and~~

4068 ~~b. For wetlands that score low for habitat, which means less than six points, the~~

4069 ~~buffer width can be reduced to that required for moderate intensity impacts by applying~~

4070 ~~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.))

4071 c. the development proposal does not impact the reduced buffer.

4072 D. The department may approve a modification to the buffers established in
4073 subsection A. of this section if the wetland was created or its characterization was
4074 upgraded as part of a voluntary enhancement or restoration project.

4075 E. If the site is located within the shoreline jurisdiction, the department shall
4076 determine that a proposal to reduce wetland buffers under this section will result in no net
4077 loss of shoreline ecological functions or wetland functions and values.

4078 SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C.
4079 21A.24.335 are hereby amended to read as follows:

4080 ~~((The following development standards apply to development proposals and~~
4081 ~~alterations on sites containing wetlands or their buffers:))~~

4082 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4083 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland
4084 buffers~~((;))~~.

4085 B. The ~~((applicant))~~ following development standards apply to development
4086 proposals and alterations on sites containing wetlands or associated buffers:

4087 1. A project may include climate-adaptive plants consistent with section 63 of
4088 this ordinance, but shall not otherwise introduce any plant or wildlife that is not
4089 indigenous to the Puget Sound ~~((lowland))~~ region into any wetland or wetland buffer
4090 unless authorized by a state or federal permit or approval; and

4091 ~~((C. A category IV wetland less than two thousand five hundred square feet that~~
4092 ~~is not part of a wetland complex may be altered in accordance with an approved~~
4093 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~
4094 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~
4095 ~~on the type of mitigation measures proposed; and~~

4096 ~~D.))~~ 2. Alterations to category I wetlands containing bogs or fens are limited to
4097 K.C.C. 21A.24.045, D.20. and D.~~((52))~~51.

4098 SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C.

4099 21A.24.340 are hereby amended to read as follows:

4100 In addition to the requirements in ~~((K.C.C. 21A.24.125 and 21A.24.130))~~ this
4101 chapter, the following applies to wetland and wetland buffer mitigation ~~((to compensate~~
4102 ~~for the adverse impacts associated with an alteration to a wetland or wetland buffer))~~:

4103 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or
4104 better wetland functions and values, including, but not limited to:

4105 1. Habitat functions such as complexity, connectivity, and other biological and
4106 ecological functions; and

4107 2. Hydrological functions, such as ~~((S))~~seasonal hydrological dynamics, as
4108 provided in the ~~((King County))~~ Surface Water Design Manual;

4109 B. For permanent impacts to a wetland or wetland buffer, ~~((F))~~the following
4110 ratios of ~~((area of))~~ mitigation area to ~~((area of alteration))~~ impact area apply ~~((to~~
4111 ~~mitigation measures for permanent alterations))~~:

4112 1. For ~~((alterations))~~ impacts to a wetland buffer, a ratio of ~~((one to one; and))~~
4113 1:1 on-site, and 2:1 off-site;

4114 2. For ~~((alterations))~~ direct impacts to a wetland that result in permanent, direct
4115 loss of wetland area:

((Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only

Category IV	4.5:1	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 lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation	Case-by-case	Case-by-case

		of a bog		
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by- case))

4116

<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 forested</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>All other</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 I</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>

4117 3. For indirect impacts to a wetland, one half of the ratio required by subsection

4118 B.2. of this section.

4119 C. The following ratios ~~((of area))~~ of mitigation area to ~~((area of alteration))~~

4120 impact area apply to ~~((mitigation measures for))~~ temporary ~~((alterations))~~ impacts where

4121 wetland~~((s will))~~ functions are expected to take longer than one year to be restored.

4122 Temporary impacts do not ~~((be impacted by))~~ include permanent fill material~~((÷))~~ or

4123 removal of old growth or mature trees, as defined in the Washington state Department of

4124 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	Rehabilitation	<u>Reestablishment or</u> <u>((€))creation</u>	Enhancement	Rehabilitation	<u>Reestablishment or</u> <u>((€))creation</u>

			n ((or restoration))			on ((or restoration)
Categor y I	((6)) 8:1	((4.5)) 6:1	3:1	((3)) 4:1	2:1	1.5:1
Categor y II	((3)) 6:1	((2)) 3:1	1.5:1	((1.5)) 3:1	1.5:1	.75:1
Categor y III	((2)) 4:1	((1.5)) 2:1	1:1	((1)) 2:1	((.75)) 1:1	.5:1
Categor y IV	((1.5)) 3:1	1.5:1	.75:1	((Not applicable)) 1.5:1	((Not applicable)) .75:1	((Not applicable) .25:1

4125 D. The department may increase the mitigation ratios provided in subsections B.

4126 and C. of this section under the following circumstances:

4127 1. The department determines there is uncertainty as to the probable success of
4128 the proposed restoration or creation;

4129 2. A significant period of time will elapse between the impact caused by the
4130 development proposal and the establishment of wetland functions at the mitigation site;

4131 3. The proposed mitigation will result in a lower category wetland or reduced
4132 functions relative to the wetland being impacted; ((or))

4133 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,
4134 as defined in the Federal Standards and Procedures for the National Watershed Boundary
4135 Dataset: United States Geological Survey, 2022, as the impact;

4136 5. The proposed mitigation site differs from the development proposal site in
4137 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat
4138 characteristics;

4139 6. The development proposal site contains documented habitat for federal or
4140 state listed endangered, threatened, sensitive, or candidate species or King County species
4141 of local importance; or

4142 7. The alteration causing the impact was ((an)) unauthorized ((impact)) or
4143 illegal.

4144 E. ~~((The department may decrease the mitigation ratios provided in subsections~~
4145 ~~B. and C. of this section under the following circumstances))~~ As an alternative to
4146 applying mitigation ratios in subsection B. or C. of this section, mitigation requirements
4147 for impacts to freshwater wetlands may be determined using the credit-debit method in
4148 accordance with Calculating Credits and Debits for Compensatory Mitigation in
4149 Wetlands of Western Washington: Final Report, Washington state Department of
4150 Ecology, publication number 10-06-011, published 2012 and as follows:

4151 1. Mitigation shall be consistent with Wetland Mitigation in Washington State
4152 Part 1: Agency Policies and Guidance Version 2, Washington state Department of
4153 Ecology, publication number 21-06-003, published 2021; and

4154 2. For permittee-responsible advance mitigation using the credit-debit method:

4155 a. A development permit shall authorize mitigation activities and establish
4156 conditions for use as advance mitigation;

4157 b. The mitigation shall be consistent with Interagency Regulatory Guide:
4158 Advance Permittee-Responsible Mitigation, Washington state Department of Ecology,

publication number 12-06-015, published 2012.

F. Wetland mitigation bank or in lieu fee program credits may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. Off-site compensatory mitigation bank or in lieu fee program mitigation ratios are as follows:

~~1. ((The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values 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 depressionnal, 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

4182 amount of compensatory mitigation required shall be as follows:

4183 a. For direct impacts to wetlands, the ratio shall be consistent with the

4184 approved mitigation banking instrument, with a minimum bank credit to impact acre ratio

4185 of 1:1;

4186 b. For direct impacts to wetland buffers, the ratio shall be consistent with the

4187 approved mitigation banking instrument;

4188 c. For indirect wetland impacts, the ratio shall be one-half of the ratio

4189 recommended in the approved mitigation banking instrument; and

4190 d. For long-term temporary impacts, the ratio shall be one-quarter of the ratio

4191 recommended in the approved mitigation banking instrument;

4192 2. For use of the King County mitigation reserves program or a state or federally

4193 authorized in lieu fee program:

4194 a. For direct, indirect, and long-term temporary impacts, the amount of

4195 compensatory mitigation required shall be consistent with the in lieu fee program

4196 instrument and result in no net loss of wetland functions and values; and

4197 b. For impacts to wetland buffers, the ratio shall be 1:1; and

4198 3. Compensatory mitigation for other approved off-site mitigation options shall

4199 be consistent with ratios in subsections B., C., and D. of this section.

4200 ~~((F-))~~ G. For temporary ~~((alterations))~~ impacts to a wetland or its buffer that are

4201 predominately woody vegetation, the department may require mitigation in addition to

4202 restoration of the ~~((altered))~~ wetland or wetland buffer; and

4203 ~~((G-))~~ H. Mitigation of ~~((an alteration to a buffer of a))~~ wetland buffers ~~((that~~

4204 ~~occurs along an aquatic area))~~ in a lake shoreline ~~((in accordance with an allowed~~

4205 ~~alteration under this chapter~~) shall include, but is not limited to, on-site revegetation,
4206 maintenance, and other restoration of the buffer or setback area to the maximum extent
4207 practical.

4208 SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C.

4209 21A.24.355 are hereby amended to read as follows:

4210 A. Aquatic areas are ~~((categorized or "))~~typed~~(("as follows"))~~ using the water
4211 typing system in WAC 222-16-030 and the following criteria:

4212 1. Type S ~~((waters include))~~ means all aquatic areas, within their bankfull width,
4213 inventoried as (("))shorelines of the state((")) under King County's ((S))shoreline
4214 ~~((M))master ((P))program,((K.C.C. chapter 21A.25, in accordance with chapter 90.58~~
4215 ~~RCW))~~ including periodically inundated areas of their associated wetlands;

4216 2. Type F ~~((waters include all))~~ means segments of aquatic areas ~~((that are not))~~
4217 other than type S ((waters)), which are within the bankfull widths of defined channels and
4218 periodically inundated areas of their associated wetlands, or within lakes, ponds, or
4219 impoundments having a surface area of one-half acre or greater at seasonal low water and
4220 that contain fish or fish habitat ((, including)) or are described by one of the following
4221 categories:

4222 a. waters diverted for domestic use by more than ten residential or camping
4223 units or by a public accommodation facility licensed to serve more than ten persons,
4224 where such diversion is determined by the department to be a valid appropriation of water
4225 and the only practical water source for such users. Such waters shall be considered to be
4226 Type F upstream from the point of such diversion for one-thousand-five-hundred feet or
4227 until the drainage area is reduced by fifty percent, whichever is less;

4228 b. waters diverted for use by a federal, state, ~~((or))~~ tribal, or private fish

4229 hatchery from the point of diversion for one~~((-))~~ thousand~~((-))~~ five~~((-))~~ hundred feet or

4230 the entire tributary if the tributary is highly significant for protection of downstream

4231 water quality;

4232 c. waters within a federal, state, local, or private campground having more than

4233 ten camping units. Water is considered to enter a campground when it reaches the

4234 boundary of the park lands available for public use and comes within one-hundred feet

4235 from a camping unit, trail, or other park improvement; or

4236 d. riverine ponds, wall-based channels, and other channel features that are used

4237 by fish for off-channel habitat. These habitats are identified by their connection to a fish

4238 habitat stream and accessible during some period of the year and accessible to fish;

4239 3. Type N ~~((waters include))~~ means all segments of aquatic areas that are not

4240 type S or F ~~((waters))~~ and that are physically connected to type S or F ~~((waters))~~ by ~~((an~~

4241 ~~above-ground))~~ a channel or piped system, stream, or wetland; and

4242 4. Type O ~~((waters include))~~ means all segments of aquatic areas that are not

4243 type S, F, or N ~~((waters))~~ and that are not physically connected to type S, F, or N

4244 ~~((waters))~~ by a ~~((n above-ground))~~ channel or piped system, ~~((pipe or culvert,))~~ stream, or

4245 wetland, and which infiltrates water into the ground.

4246 B. For the purposes of ~~((the water))~~ aquatic area types in subsection A. of this

4247 section~~((, an above-ground))~~;

4248 1. A channel system is ~~((considered to be))~~ present if the ~~((one-hundred-year))~~

4249 floodplains of both the contributing and receiving waters are connected; and

4250 2. Fish habitat may be classified by:

4251 a. the presence of fish;
4252 b. a stream segment, that is perennial or ephemeral, with a defined channel of
4253 two feet or greater bank full width and a gradient less than twenty percent; or
4254 c. any stream located within the floodplain of type S or F water.
4255 (~~C. The department may determine that an area upstream of a legal human-made~~
4256 ~~barrier is not fish habitat considering the following factors:~~
4257 1. ~~The human-made barrier is located beneath public infrastructure that is~~
4258 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~
4259 ~~public infrastructure;~~
4260 2. ~~The human-made barrier is in the Urban Growth Area established by the~~
4261 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~
4262 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~
4263 3. ~~The human-made barrier is located in a subbasin that is not designated "high"~~
4264 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~
4265 ~~Ordinance 15051; or~~
4266 4. ~~The human-made barrier is not identified for removal by a public agency or~~
4267 ~~in an adopted watershed plan.))~~

4268 SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C.
4269 21A.24.358 are hereby amended to read as follows:

4270 A. (~~(Aquatic area buffers)~~) Riparian areas shall (~~(be measured as follows)~~):
4271 1. (~~(From the ordinary high water mark or from the top of bank if the ordinary~~
4272 ~~high water mark cannot be identified;~~
4273 2. ~~If~~) Where the adjacent aquatic area is (~~(located within)~~) in a mapped severe

4274 channel migration hazard area(~~(, the aquatic area buffer width shall be the greater of the~~
4275 ~~aquatic area buffer width as measured consistent with subsection A.1. of this section or))~~:

4276 a. include the severe channel migration hazard area; and

4277 b. extend from the outer edge of the severe channel migration hazard area;

4278 2. Where the adjacent aquatic area is not in a mapped severe channel migration

4279 hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from

4280 the top of bank if the ordinary high water mark cannot be identified; and

4281 3. ~~((If the aquatic area buffer includes a steep slope hazard area or landslide~~

4282 ~~hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~

4283 ~~this section or the top of the hazard area))~~ Extend in all directions from the point at which

4284 the adjacent aquatic area enters or exits an underground conveyance system.

4285 B.1. ~~((Within the Urban Growth Area, aquatic area buffers))~~ Riparian area widths

4286 shall be as follows:

4287 ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~

4288 2. ~~A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~

4289 ~~on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~

4290 3. ~~A type N aquatic area buffer is sixty five feet; and~~

4291 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>

4292 2. If the riparian area is in a steep slope hazard area or a landslide hazard area,
4293 the riparian area width is the greater of:
4294 a. the riparian area width as described in this section; or
4295 b. the extent of the landslide or steep slope hazard area upslope up to a
4296 maximum total width of twice the riparian area width, as measured perpendicular to the
4297 topographic contours;
4298 3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the
4299 greater of:
4300 a. the riparian area width as described in this section; or
4301 b. the extent of the alluvial fan hazard area.
4302 C. ~~((Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~
4303 1. ~~A type S or F aquatic area buffer is one hundred sixty five feet;~~
4304 2. ~~A type N aquatic area buffer is sixty five feet; and~~
4305 3. ~~A type O aquatic area buffer is twenty five feet.~~
4306 D. ~~Within the Bear Creek drainage basin a type N aquatic area buffer in a~~
4307 ~~designated regionally significant resource area is one hundred feet.~~
4308 E. ~~The department may approve a modification of buffer widths if)~~ Riparian area
4309 width averaging may be allowed if an ecological critical area report demonstrates:
4310 1. ~~((a. The department determines that through buffer averaging the ecological~~
4311 ~~structure and function of the resulting buffer is equivalent to or greater than the structure~~
4312 ~~and function before averaging and meets the following standards:~~
4313 (1) ~~the total area of the buffer is not reduced;~~
4314 (2) ~~the buffer area is contiguous; and~~

4315 ~~(3) averaging does not result in the reduction of the minimum buffer for the~~
4316 ~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~
4317 ~~migration hazard area;~~

4318 ~~b. the applicant demonstrates that the buffer cannot provide certain functions~~
4319 ~~because of soils, geology or topography, in which case the department shall establish a~~
4320 ~~buffer's width that protects the remaining ecological functions that the buffer can provide;~~

4321 ~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In~~
4322 ~~modifying the buffers, the department shall consider factors such as, the basin and~~
4323 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~
4324 ~~condition and the amount of clearing;~~

4325 ~~d. a legally established roadway transects an aquatic area buffer, the roadway~~
4326 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~
4327 ~~the other side of the roadway provides insignificant biological or hydrological function in~~
4328 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

4329 ~~e. the aquatic area is created or its type is changed as a result of enhancement~~
4330 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~
4331 ~~and~~

4332 ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~
4333 ~~shoreline ecological functions will result when considering projects that combine reduced~~
4334 ~~buffers and habitat restoration.)) The total area of the riparian area after averaging is~~
4335 ~~equal to or greater than the total area of the riparian area before averaging;~~

4336 2. The additional riparian area is contiguous with the standard riparian area;

4337 3. The riparian area at its narrowest point is no less than seventy-five percent of

4338 the standard width;

4339 4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological
4340 functions and values shall occur as a result of the averaging. Revegetation consistent
4341 with section 63 of this ordinance is required in the riparian area where native vegetation
4342 does not currently exist;

4343 5. The width of the riparian area is increased adjacent to the higher functioning
4344 habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower
4345 functioning or less sensitive portion;

4346 6. Where the riparian area includes a steep slope, landslide, or alluvial fan
4347 hazard area, the width of the riparian area is not reduced waterward of the hazard areas;
4348 and

4349 7. Riparian area averaging is not combined with any other riparian area width
4350 modifications.

4351 SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C.
4352 21A.24.365 are hereby amended to read as follows:

4353 ~~((The following development standards apply to development proposals and~~
4354 ~~alterations on sites containing aquatic areas or their buffers;))~~

4355 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4356 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~
4357 ~~area buffers;))~~ riparian areas.

4358 B. The following development standards apply to development proposals and
4359 alterations on sites containing aquatic areas or riparian areas:

4360 1. Clearing, ((G))grading ((for allowed alterations in aquatic area buffers is)),

4361 and other site disturbances are only allowed from May 1 to October 1. ~~((This))~~ The
4362 period may be modified or restricted when the department determines it is necessary
4363 ~~((along marine shorelines))~~ to protect critical forage fish and salmonid migration, ~~((or))~~
4364 as provided in K.C.C. 16.82.095, or as required by a state or federal permit;
4365 ~~((C.))~~ 2. The moisture-holding capacity of the topsoil layer on all areas of the
4366 site not covered by impervious surfaces should be maintained by:
4367 ~~((1.))~~ a. Minimizing soil compaction, or
4368 ~~((2.))~~ b. Reestablishing natural soil structure and the capacity to infiltrate;
4369 ~~((D.))~~ 3. New structures ~~((within an aquatic area buffer))~~ should be sited to
4370 avoid the creation of future hazard trees and to minimize the impact on groundwater
4371 movement; ~~((and~~
4372 ~~E.))~~ 4. To the maximum extent practical:
4373 ~~((1.))~~ a. The soil duff layer should not be disturbed, but if disturbed, should be
4374 redistributed to other areas of the project site where feasible;
4375 ~~((2.))~~ b. A spatial connection should be provided between vegetation within
4376 and outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw
4377 hazards; and
4378 ~~((3.))~~ c. Hazard trees ~~((should be retained))~~ approved for removal in ~~((aquatic~~
4379 ~~area buffers and))~~ the riparian area should be either topped or pushed over toward the
4380 aquatic area, and not removed from the riparian area; ~~((and~~
4381 ~~F.))~~ 5. A project may include climate-adaptive plants, but shall not otherwise
4382 introduce any plant or wildlife that is not native to the Puget Sound region into an aquatic
4383 area or riparian area unless authorized by state or federal approval; and

4384 6. If a ~~((restoration, enhancement or mitigation))~~ project ~~((proposes to place))~~
4385 includes large wood ~~((woody debris))~~ waterward of the ordinary high water mark of a
4386 ~~((F))~~type S aquatic area, the applicant shall ~~((consider))~~ minimize the potential for
4387 recreational hazards in project design.

4388 SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C.
4389 21A.24.380 are hereby amended to read as follows:

4390 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~
4391 ~~21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate for the~~
4392 ~~adverse impacts associated with an alteration to))~~ in an aquatic area or ~~((aquatic area~~
4393 ~~buffer))~~ riparian area:

4394 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or
4395 better aquatic or riparian area functions than prealteration conditions, including, but not
4396 limited to:

4397 1. Habitat complexity, connectivity, and other biological and ecological
4398 functions;

4399 2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~
4400 ~~quality))~~; ~~((and))~~

4401 3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature
4402 control, pollution removal, water purification, and other water quality functions; and

4403 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural
4404 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial
4405 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat
4406 processes and functions;

4407 B. ~~((To the maximum extent practical, permanent alterations that require~~
 4408 ~~restoration or enhancement of the altered aquatic area, aquatic area buffer or another~~
 4409 ~~aquatic area or aquatic area buffer must consider))~~ The mitigation plan shall address the
 4410 ~~following design factors, as applicable ((to the function being mitigated)):~~
 4411 1. The natural channel or shoreline reach dimensions including its depth, width,
 4412 length, and gradient;
 4413 2. The horizontal alignment and sinuosity;
 4414 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical
 4415 or similar substrate and similar erosion and sediment transport dynamics;
 4416 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;
 4417 ~~((and))~~
 4418 5. ~~((Similar))~~ Native vegetation or climate-adaptive plant species diversity, size,
 4419 ~~and densities ((in the channel, sea bed or lake bottom and on the))~~ comparable to a nearby
 4420 relatively undisturbed riparian ((bank or buffer)) area with similar configuration, spatial
 4421 arrangement, and solar aspect;
 4422 6. Similar slope and elevation; and
 4423 7. Similar soil conditions, including moisture, saturation, and organic content;
 4424 C. Mitigation ~~((to compensate))~~ for ~~((adverse impacts))~~ aquatic areas shall meet
 4425 the following standards:
 4426 1. Mitigation shall ((N))not be located upstream of a barrier to fish passage;
 4427 2. ~~((Is equal or greater in biological function; and~~
 4428 ~~3.))~~ To the maximum extent practical ((is)), mitigation shall be located on the
 4429 development proposal site ((of the alteration)) or within one-half mile of the site and in

4430 the same aquatic area reach ~~((at a 1:1 ratio of area of mitigation to area of alteration; or~~
 4431 ~~4. Is)).~~ If mitigation cannot be located on the site or within one-half mile of the
 4432 site, it shall be located in the same ((aquatic area)) drainage subbasin or marine shoreline
 4433 ~~((and attains the following ratios of area of functional mitigation to area of alteration:~~
 4434 ~~a. a 3:1 ratio for a type S or F aquatic area; and~~
 4435 ~~b. a 2:1 ratio for a type N or O aquatic area)); and~~
 4436 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>

4437 D. For purposes of subsection C. of this section, ~~((a))~~ mitigation ~~((measure))~~ is in
 4438 the same aquatic area reach if the length of aquatic area ~~((shoreline))~~ or riparian area
 4439 meets the following criteria:
 4440 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

4441 2. Similar processes including erosion and transport of sediment and ~~((woody~~
4442 ~~debris))~~ large wood;

4443 3. ~~((Equivalent))~~ Equal or better biological conditions, including presence of
4444 and habitat for invertebrates, fish, wildlife, and vegetation; and

4445 4. ~~((Equivalent))~~ Equal or better biological functions, including fish and wildlife
4446 mating, reproduction, rearing, migration, and refuge; ((or)) and

4447 5. For tributary streams, a distance of no more than one-half mile from the main
4448 stem;

4449 E. ~~((The department may reduce the mitigation ratios in subsection C. of this~~
4450 ~~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~~
4451 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~
4452 ~~includes the following elements:~~

4453 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~
4454 ~~performance standards identified by the department;~~

4455 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~
4456 ~~and~~

4457 3. ~~Experienced, qualified staff to perform the monitoring;))~~ For riparian areas,
4458 on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation
4459 shall consist of restoration or creation, including through revegetation with native
4460 vegetation or climate-adaptive plants and removing invasive species, or both.

4461 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>

4462 2. The department may approve alternative on-site mitigation ratios for riparian
4463 areas, if the alternative mitigation provides equal or better ecological function than the
4464 standard mitigation requirements. Alternative mitigation is based on the type of existing
4465 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>

4466 a. Primary actions include:
4467 (1) placing large wood in adjacent aquatic areas, when not installed for
4468 shoreline stabilization or flood protection facilities;
4469 (2) removing a fish passage barrier, if not required by the development
4470 permit;
4471 (3) removing an aquatic area transportation crossing, such as a road, bridge,

4472 or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate.

4473 Utility-only crossings are not included under this action;

4474 (4) removing shoreline armoring, revetments, or levees; or

4475 (5) other similar actions as determined by the department.

4476 b. Secondary actions include:

4477 (1) adding area contiguous to the existing riparian area at a ratio of 0.5:1

4478 where otherwise not required. If the area of addition does not have an equal ecological

4479 function to the impact area, the area shall be revegetated with native vegetation or

4480 climate-adaptive plants;

4481 (2) placing large wood in riparian areas or an adjacent floodplain;

4482 (3) installing wildlife snags or similar wildlife nesting or rearing habitat;

4483 (4) removing floodplain fill and replanting with native vegetation or climate-

4484 adaptive plants as appropriate; or

4485 (5) removing a fish passage barrier if required by a development permit;

4486 (6) other similar actions as approved by the department;

4487 F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be

4488 allowed if the mitigation is unable to be located on or within one-half mile of the site.

4489 Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve,

4490 or conservation easement if on private property.

4491 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>

4492 G. For rectifying an illegal alteration to ~~((any type of))~~ an aquatic area or ~~((its~~
4493 ~~buffer))~~ riparian area, mitigation ~~((measures must meet the following standards:~~

4494 ~~1.))~~ shall be ~~((L))~~ located on the site of the illegal alteration, at a ~~((1:1))~~
4495 compensatory mitigation ratio of ~~((area of mitigation to area of alteration and~~

4496 ~~2. To the maximum extent practical,))~~ of 3:1, replicate~~((s))~~ the natural
4497 prealteration configuration at its natural prealteration location including the factors in
4498 subsection B. of this section~~((; and~~

4499 ~~G. The department may modify the requirements in this section if the applicant~~
4500 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~
4501 ~~obtained in the affected hydrologic unit that the department may determine to be the~~
4502 ~~drainage subbasin through alternative mitigation measures.~~

4503 ~~H. For temporary alterations to an aquatic area or its buffer that is predominately~~
4504 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~
4505 ~~altered aquatic area or buffer))~~ to the maximum extent practical.

4506 SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C.
4507 21A.24.382 are hereby amended to read as follows:

4508 ~~((The following development standards apply to development proposals and~~
4509 ~~alterations on sites containing wildlife habitat conservation areas:))~~

4510 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4511 alterations identified in K.C.C. 21A.24.045 are allowed within ~~((a))~~ wildlife habitat

4512 conservation areas~~((;))~~.

4513 B. The following development standards apply to development proposals and
4514 alterations on sites containing wildlife habitat conservation areas:

4515 1. For a bald eagle:

4516 ~~((+))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ a four-
4517 hundred-foot radius from an active nest;

4518 ~~((2-))~~ b. Between March 15 and April 30, alterations are not allowed within
4519 eight hundred feet of the nest; and

4520 ~~((2-))~~ c. Between January 1 and August 31, land clearing machinery, such as
4521 bulldozers, graders, or other heavy equipment, ~~((may))~~ shall not be operated within eight
4522 hundred feet of the nest;

4523 ~~((C-))~~ 2. For a great blue heron:

4524 ~~((+))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ an eight-
4525 hundred-twenty-foot radius from the rookery. The department may increase the radius up
4526 to an additional one-hundred sixty-four feet if the department determines that the
4527 population of the rookery is declining; and

4528 ~~((2-))~~ b. Between January 1 and July 31, clearing or grading are not allowed
4529 within nine-hundred-twenty-four feet of the rookery;

4530 ~~((D-))~~ 3. For a marbled murrelet, the wildlife habitat conservation area is ~~((an~~
4531 ~~area with))~~ a one-half-mile radius around an active nest;

4532 ~~((E-))~~ 4. For a northern goshawk, the wildlife habitat conservation area ~~((is an~~
4533 ~~area))~~ with a one-thousand-five-hundred-foot radius around an active nest located outside
4534 of the ~~((#))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area;

4535 ~~((F-))~~ 5. For an osprey:

4536 ~~((I-))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ a two-hundred-

4537 thirty-foot radius around an active nest; and

4538 ~~((2-))~~ b. Between April 1 and September 30, alterations are not allowed within

4539 six-hundred-sixty feet of the nest;

4540 ~~((G-))~~ 6. For a peregrine falcon:

4541 ~~((I-))~~ a. The wildlife habitat conservation area is an area extending for a

4542 distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the

4543 eyrie on the rim of the cliff, and the area immediately below the cliff;

4544 ~~((2-))~~ b. Between March 1 and June 30, land-clearing activities that result in

4545 loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed

4546 within one-half mile of the eyrie; and

4547 ~~((3-))~~ c. New power lines ~~((may))~~ shall not be constructed within one-thousand

4548 feet of the eyrie;

4549 ~~((H-))~~ 7. For a spotted owl, the wildlife habitat conservation area is ~~((an area~~

4550 ~~with))~~ a three-thousand-seven-hundred-foot radius from an active nest;

4551 ~~((I-))~~ 8. For a Townsend's big-eared bat:

4552 ~~((I-))~~ a. Between June 1 and October 1, the wildlife habitat conservation area is

4553 ~~((an area with))~~ a four-hundred-fifty-foot radius from the entrance to a cave or mine,

4554 located outside of the urban area, with an active nursery colony;

4555 ~~((2-))~~ b. Between November 1 and March 31, the wildlife habitat conservation

4556 area is ~~((an area with))~~ a four-hundred-fifty-foot radius around the entrance to a cave or

4557 mine located outside the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area serving as a winter

4558 hibernacula;

4559 ~~((3-))~~ c. Between March 1 and November 30, a building, bridge, tunnel, or other

4560 structure used solely for day or night roosting ~~((may))~~ shall not be altered or destroyed;

4561 ~~((4-))~~ d. Between May 1 and September 15, the entrance into a cave or mine that

4562 is protected because of bat presence ~~((is))~~ shall be protected from human entry; and

4563 ~~((5-))~~ e. A gate across the entrance to a cave or mine that is protected because of

4564 bat presence ~~((must))~~ shall be designed to allow bats to enter and exit the cave or mine;

4565 ~~((7-))~~ 9. For a Vaux's swift:

4566 ~~((1-))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ a three-

4567 hundred-foot radius around an active nest located outside of the ~~((u))~~Urban ~~((g))~~Growth

4568 ~~((a))~~Areas; and

4569 ~~((2-))~~ b. Between April 1 and October 31, clearing, grading, or outdoor

4570 construction is not allowed within four hundred feet of an active or potential nest tree.

4571 The applicant may use a species survey to demonstrate that the potential nest tree does

4572 not contain an active nest; and

4573 ~~((K-))~~ 10. The department shall require protection of an active breeding site of

4574 any federal or state listed endangered, threatened, sensitive, and candidate species or

4575 King County species of local importance ~~((not listed in subsections B. through J. of this~~

4576 ~~section))~~. If the Washington state Department of Fish and Wildlife has adopted

4577 management recommendations for a species covered by this subsection, the department

4578 shall follow those management recommendations. If management recommendations

4579 have not been adopted, the department shall base protection decisions on best available

4580 science.

4581 SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C.
4582 21A.24.385 are hereby amended to read as follows:

4583 A. ~~((The department shall make certain that s))~~ Segments of the wildlife habitat
4584 network ~~((are))~~ shall be set aside and protected along the designated wildlife habitat
4585 network adopted by the ~~((King County))~~ Comprehensive Plan ~~((as follows:))~~.
4586 ~~((A-))~~ This section applies to the following development proposals on parcels that
4587 include a segment of the designated wildlife habitat network:

4588 1. All ~~((urban planned developments, fully contained communities,))~~ binding
4589 site plans, subdivisions, and short subdivisions; and

4590 2. All development proposals on individual lots, unless a segment of the wildlife
4591 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,
4592 easement, or setback area, and a notice of the existence of the segment has been recorded;

4593 B. Segments of the wildlife habitat network ~~((must))~~ shall be identified and
4594 protected in one of the following ways:

4595 1. In ~~((urban planned developments, fully contained communities,))~~ binding site
4596 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous
4597 permanent open~~((-))~~ space tract with all developable lots sited on the remaining portion
4598 of the ~~((project))~~ development proposal site, or the lots are designed so that required
4599 setback areas can form a contiguous setback covering the network segments; or

4600 2. For individual lots, the network is placed in a county-approved setback area.
4601 To the maximum extent practical, existing native vegetation is included in the network.
4602 The notice required by K.C.C. ~~((21A.27.170))~~ 21A.24.170 is required; and

4603 C. All wildlife habitat network tracts or setback areas ~~((must))~~ shall meet the

4604 design standards in K.C.C. 21A.24.386.

4605 SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C.

4606 21A.24.386 are hereby amended to read as follows:

4607 ~~((The following standards apply to development proposals and alterations on~~
4608 ~~sites containing wildlife habitat network:))~~

4609 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4610 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

4611 B. The following development standards apply to development proposals and
4612 alterations on sites containing wildlife habitat network:

4613 1. The wildlife habitat network is sited to meet the following conditions:

4614 ~~((1.))~~ a. The network forms one contiguous tract or setback area that enters and
4615 exits the property where the network crosses the property boundary;

4616 ~~((2.))~~ b. To the maximum extent practical, the network maintains a width of
4617 three-hundred feet. The network width shall not be less than one-hundred-fifty feet at
4618 any point; and

4619 ~~((3.))~~ c. The network is contiguous with and includes critical areas and their
4620 buffers;

4621 ~~((4.))~~ d. To the maximum extent practical, the network connects isolated
4622 critical areas or habitat; and

4623 ~~((5.))~~ e. To the maximum extent practical, the network connects with wildlife
4624 habitat network segments, open space tracts, or wooded areas on adjacent properties, if
4625 present;

4626 ~~((C.))~~ 2. The wildlife habitat network tract ~~((must))~~ shall be permanently

4627 marked in accordance with this chapter;

4628 ~~((D.))~~ 3. An applicant proposing recreation, forestry, or any other use
4629 compatible with preserving and enhancing the habitat value of the wildlife habitat
4630 network located within the site (~~((must))~~) shall have an approved management plan. The
4631 applicant shall include and record the approved management plan for a binding site plan
4632 or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing
4633 within the wildlife habitat network in a tract or tracts is limited to that allowed by an
4634 approved management plan;

4635 ~~((E.))~~ 4. If the wildlife habitat network is contained in a setback area, a
4636 management plan is not required. Clearing is not allowed within a wildlife habitat
4637 network within a setback area on individual lots, unless the property owner has an
4638 approved management plan;

4639 ~~((F.))~~ 5. In (~~((urban planned developments, fully contained communities,))~~)
4640 binding site plans, subdivisions, and short subdivisions, a homeowners association or
4641 other entity capable of long term maintenance and operation shall monitor and assure
4642 compliance with any approved management plan;

4643 ~~((G.))~~ 6. The department may credit a permanent open space tract containing the
4644 wildlife habitat network toward the other applicable requirements such as surface water
4645 management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed
4646 uses within the tract are compatible with preserving and enhancing the wildlife habitat
4647 value. Restrictions on other uses within the wildlife habitat network tract shall be clearly
4648 identified in the management plan; and

4649 ~~((H.))~~ 7. The director may waive or reduce these standards for public facilities

4650 such as schools, fire stations, parks, and road projects.

4651 SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby
4652 amended to read as follows:

4653 In addition to the requirements in (~~K.C.C. 21A.24.130, 21A.24.125 and~~
4654 ~~21A.24.133~~)) this chapter, the following applies to mitigation (~~((to compensate))~~) for (~~((the~~
4655 ~~adverse impacts associated with))~~) wildlife habitat conservation areas and wildlife habitat
4656 networks:

4657 A. Mitigation (~~((to compensate))~~) for (~~((the adverse impacts to))~~) a wildlife habitat
4658 conservation area (~~((must))~~) shall prevent disturbance of each protected species. On-site
4659 mitigation may include management practices, such as timing of the disturbance. Off-site
4660 mitigation is limited to sites that will enhance the (~~((wildlife))~~) habitat (~~((conservation area))~~)
4661 of the species impacted;

4662 B. Mitigation (~~((to compensate))~~) for (~~((the adverse impacts to the))~~) a wildlife
4663 habitat network (~~((must))~~) shall achieve (~~((equivalent or greater))~~) equal or better biological
4664 functions, including, but not limited to, habitat complexity and connectivity functions.
4665 Specific mitigation requirements for impacts to the wildlife habitat network shall:

4666 1. Expand or enhance the wildlife network as close to the location of impact as
4667 feasible; and

4668 2. Attain the following ratios of area of mitigation to area of alteration:

4669 a. for mitigation on site:

4670 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4671 and

4672 (2) 1.5:1 ratio for enhancement or restoration; and

4673 b. for mitigation off-site:

4674 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4675 and

4676 (2) 3:1 ratio for enhancement or restoration;

4677 C. For temporary ((~~alterations~~)) impacts, the department may require

4678 ((~~rectification~~)) rehabilitation, restoration, or enhancement of the altered wildlife habitat

4679 network;

4680 D. The department may increase the width of the wildlife habitat network to

4681 mitigate for risks to habitat functions;

4682 E. To the maximum extent practical, mitigation projects involving wildlife

4683 habitat network restoration should provide replication of the site's prealteration natural

4684 environment including:

4685 1. Soil type, conditions, and physical features;

4686 2. Vegetation diversity and density; and

4687 3. Biologicalal and habitat functions; and

4688 F. The department may modify the requirements in this section if the applicant

4689 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife

4690 habitat conservation area or wildlife habitat network through alternative mitigation

4691 measures.

4692 NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter

4693 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

4694 Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and

4695 K.C.C. Title 23.

4696 SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C.
4697 21A.25.100 are hereby amended to read as follows:

4698 A. The shoreline use table in this section determines whether a specific use is
4699 allowed within each of the shoreline environments. The shoreline environment is located
4700 on the vertical column and the specific use is located on the horizontal row of the table.
4701 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The
4702 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be
4703 interpreted as follows:

4704 1. If the cell is blank in the box at the intersection of the column and the row,
4705 the use is prohibited in that shoreline environment;

4706 2. If the letter "P" appears in the box at the intersection of the column and the
4707 row, the use may be allowed within the shoreline environment;

4708 3. If the letter "C" appears in the box at the intersection of the column and the
4709 row, the use may be allowed within the shoreline environment subject to the shoreline
4710 conditional use review procedures specified in K.C.C. 21A.44.100;

4711 4. If a number appears in the box at the intersection of the column and the row,
4712 the use may be allowed subject to the appropriate review process in this section, the
4713 general requirements of this chapter and the specific development conditions indicated
4714 with the corresponding number in subsection C. of this section. If more than one number
4715 appears after a letter, all numbers apply;

4716 5. If more than one letter-number combination appears in the box at the
4717 intersection of the column and the row, the use is allowed in accordance with each letter-
4718 number combination;

4719 6. A shoreline use may be allowed in the aquatic environment only if that
4720 shoreline use is allowed in the adjacent shoreland environment; and

4721 7. This section does not authorize a land use that is not allowed by the
4722 underlying zoning, but may add additional restrictions or conditions or prohibit specific
4723 land uses within the shoreline jurisdiction. When there is a conflict between the allowed
4724 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for
4725 shoreline uses shall first be given to water-dependent uses, then to water related uses, and
4726 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with
4727 all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master
4728 ~~((P))~~program.

4729 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-salmonid finfish net pens		C2	C2	C2				C2
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	P23	P27	P27	C27	C27			

(K.C.C. 21A.08.050)								
Health care services (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except automotive parking, and off- street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C.	P9	P9	P9	P9	P9	P9	P9	C10

21A.08.055)								
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								C15

facilities								
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		P	P	P	P	C22	C22	

family homes and community residential facility I (K.C.C. 21A.08.045)								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C.	P23	P						

21A.08.045)								
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 facilities	P29	P29	P29	C29	P29	P29	C29	C29
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 water production (K.C.C. 21A.08.100)	P30							

4730 C. Development conditions:

4731 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,
4732 such as livestock use with an animal unit density of no more than one per two acres in the
4733 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to
4734 exceed twenty percent of the site area located within the shoreline jurisdiction.

4735 2.a. The supporting infrastructure for aquaculture may be located landward of
4736 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

4737 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

4738 c. In aquatic areas adjacent to the residential shoreline environment, net pen
4739 facilities shall be located no closer than one thousand five hundred feet from the ordinary
4740 high water mark of this environment, unless the department allows a specific lesser
4741 distance that it determines is appropriate based upon a visual impact analysis. Other

types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

3.a. New marinas are not allowed along the east shore of Vashon-Maury Island, from Piner Point to Point Robinson.

b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4. Water-dependent personal services land uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that

4765 do not have an easement that provides direct access to the water.

4766 5.a. Water-dependent personal services land uses in K.C.C. 21A.08.050 are
4767 allowed.

4768 b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are
4769 only allowed as part of a shoreline mixed-use development that includes water-dependent
4770 uses.

4771 c. Nonwater-oriented personal services land uses shall provide a ~~((significant))~~
4772 public benefit by ~~((helping to achieve))~~ achieving one or more of the following shoreline
4773 master program goals:

4774 (1) economic development for water-dependent uses;

4775 (2) public access;

4776 (3) water-oriented recreation;

4777 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
4778 habitat; ~~((and))~~ or

4779 (5) protection and restoration of historic properties.

4780 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

4781 Water-related business service((s)) uses are only allowed as part of a shoreline mixed-use
4782 development and only if they support a water-dependent use. The water-related business
4783 service((s)) uses shall comprise less than one-half of the square footage of the structures
4784 or the portion of the site within the shoreline jurisdiction.

4785 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

4786 b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
4787 part of a shoreline mixed-use development if the nonwater-dependent retail use supports

4788 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the
4789 square footage of the structures or the portion of the site within the shoreline jurisdiction.

4790 c. Nonwater-oriented retail uses shall provide a significant public benefit by
4791 helping to achieve one or more of the following shoreline master program goals:

4792 (1) economic development for water-dependent uses;

4793 (2) public access;

4794 (3) water-oriented recreation;

4795 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
4796 habitat; and

4797 (5) protection and restoration of historic properties.

4798 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-
4799 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a
4800 significant public benefit by helping to achieve one or more of the following shoreline
4801 master program goals:

4802 a. economic development for water-dependent uses;

4803 b. public access;

4804 c. water-oriented recreation;

4805 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
4806 habitat; and

4807 e. protection and restoration of historic properties.

4808 9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

4809 b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only
4810 allowed as part of a shoreline mixed-use development if the nonwater-dependent

4811 government use supports a water-dependent use. Nonwater-dependent uses shall
4812 comprise less than one-half of the square footage of the structures or the portion of the
4813 site within the shoreline jurisdiction. Only low-intensity water-dependent government
4814 services are allowed in the ~~((N))~~natural environment.

4815 10. The following standards apply to government services uses within the
4816 ~~((A))~~aquatic environment:

4817 a. Stormwater and sewage outfalls are allowed if upland treatment and
4818 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on
4819 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,
4820 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
4821 except from Piner Point to Point Robinson;

4822 b. Water intakes shall not be located near fish spawning, migratory, or rearing
4823 areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife
4824 fish screening criteria. To the maximum extent practical, intakes should be placed at
4825 least thirty feet below the ordinary high water mark;

4826 c. Desalinization facilities shall not be located near fish spawning, migratory,
4827 or rearing areas. Intakes should generally be placed deeper than thirty feet below the
4828 ordinary high water mark and shall adhere to Washington state Department Fish and
4829 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
4830 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner
4831 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
4832 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

4833 d. Cable crossings for telecommunications and power lines shall:

4834 (1) be routed around or drilled below aquatic critical habitat or species;
 4835 (2) be installed in sites free of vegetation, as determined by physical or video
 4836 seabed survey;
 4837 (3) be buried, preferably using directional drilling, from the uplands to
 4838 waterward of the deepest documented occurrence of native aquatic vegetation; and
 4839 (4) use the best available technology;
 4840 e. Oil, gas, water, and other pipelines shall meet the same standards as cable
 4841 crossings and in addition:
 4842 (1) pipelines shall be directionally drilled to depths of seventy feet or one half
 4843 mile from the ordinary high water mark; and
 4844 (2) use the best available technology for operation and maintenance;
 4845 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or
 4846 within the ~~((A))~~ aquatic environment adjacent to the ~~((C))~~ conservancy and ~~((N))~~ natural
 4847 shorelines.
 4848 11. In the ~~((N))~~ natural shoreline environment, limited to low intensity forest
 4849 practices that conserve or enhance the health and diversity of the forest ecosystem or
 4850 ecological and hydrologic functions conducted for the purpose of accomplishing specific
 4851 ecological enhancement objectives. In all shoreline environments, forest practices shall
 4852 meet the standards in K.C.C. 21A.25.130.
 4853 12. Manufacturing uses in the shoreline environment shall give preference first
 4854 to water-dependent manufacturing uses and second to water-related manufacturing uses:
 4855 a. ~~((N))~~ nonwater-oriented manufacturing uses are allowed only:
 4856 (1) as part of a shoreline mixed-use development that includes a water-

4857 dependent use, but only if the water-dependent use comprises over fifty percent of the
4858 floor area or portion of the site within the shoreline jurisdiction;

4859 (2) on sites where navigability is severely limited; or

4860 (3) on sites that are not contiguous with the ordinary high water mark or on
4861 sites that do not have an easement that provides direct access to the water; and

4862 (4) all nonwater-oriented manufacturing uses shall also provide a significant
4863 public benefit, such as ecological restoration, environmental clean-up, historic
4864 preservation, or water-dependent public education;

4865 b. public access is required for all manufacturing uses unless it would result in
4866 a public safety risk or is incompatible with the use;

4867 c. shall be located, designed, and constructed in a manner that ensures that
4868 there are no significant adverse impacts to other shoreline resources and values;

4869 d. restoration is required for all new manufacturing uses; and

4870 e. boat repair facilities are not allowed within the Maury Island Aquatic
4871 Reserve, except as follows:

4872 (1) engine repair or maintenance conducted within the engine space without
4873 vessel haul-out;

4874 (2) topside cleaning, detailing, and bright work;

4875 (3) electronics servicing and maintenance;

4876 (4) marine sanitation device servicing and maintenance that does not require
4877 haul-out;

4878 (5) vessel rigging; and

4879 (6) minor repairs or modifications to the vessel's superstructure and hull

4880 above the waterline that do not exceed twenty-five percent of the vessel's surface area
4881 above the waterline.

4882 13. The water-dependent in-stream portion of a hydroelectric generation facility,
4883 wastewater treatment facility, and municipal water production are allowed, including the
4884 upland supporting infrastructure, and shall provide for the protection and preservation, of
4885 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
4886 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
4887 hydrogeological processes, and natural scenic vistas.

4888 14. New in-stream portions of utility facilities may be located within the
4889 shoreline jurisdiction if:

4890 a. there is no feasible alternate location;

4891 b. provision is made to protect and preserve ecosystem-wide processes,
4892 ecological functions, and cultural resources, including, but not limited to, fish and fish
4893 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
4894 and natural scenic vistas; and

4895 c. the use complies with the standards in K.C.C. 21A.25.260.

4896 15. Limited to in-stream infrastructure, such as bridges, and shall consider the
4897 priorities of the King County Shoreline Protection and Restoration Plan when designing
4898 in-stream transportation facilities. In-stream structures shall provide for the protection
4899 and preservation of ecosystem-wide processes, ecological functions, and cultural
4900 resources, including, but not limited to, fish and fish passage, wildlife and water
4901 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

4902 16. Limited to hatchery and fish preserves.

4903 17. Mineral uses:

4904 a. shall meet the standards in K.C.C. chapter 21A.22;

4905 b. shall be dependent upon a shoreline location;

4906 c. shall avoid and mitigate ~~((adverse))~~ impacts to the shoreline environment

4907 during the course of mining and reclamation to achieve no net loss of shoreline ecological

4908 function. In determining whether there will be no net loss of shoreline ecological

4909 function, the evaluation may be based on the final reclamation required for the site.

4910 Preference shall be given to mining proposals that result in the creation, restoration, or

4911 enhancement of habitat for priority species;

4912 d. shall provide for reclamation of disturbed shoreline areas to achieve

4913 appropriate ecological functions consistent with the setting;

4914 e. may be allowed within the active channel of a river only as follows:

4915 (1) removal of specified quantities of sand and gravel or other materials at

4916 specific locations will not adversely affect the natural processes of gravel transportation

4917 for the river system as a whole;

4918 (2) the mining and any associated ~~((permitted))~~ allowed activities will not

4919 have ~~((significant adverse))~~ impacts to habitat for priority species nor cause a net loss of

4920 ecological functions of the shoreline; and

4921 (3) if no review has been previously conducted under this subsection C.17.e.,

4922 before renewing, extending, or reauthorizing gravel bar and other in-channel mining

4923 operations in locations where they have previously been conducted, the department shall

4924 require compliance with this subsection C.17.e. If there has been prior review, the

4925 department shall review previous determinations comparable to the requirements of this

4926 section C.17.e. to ensure compliance with this subsection under current site conditions;
4927 and

4928 f. shall comply with K.C.C. 21A.25.190.

4929 18. Only water-dependent recreational uses are allowed, except for public parks
4930 and trails, in the ~~((H))~~high ~~((F))~~intensity shoreline environment and shall meet the
4931 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4932 19. Water-dependent and water-enjoyment recreational uses are allowed in the
4933 ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the
4934 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4935 20. In the ~~((C))~~conservancy shoreline environment, only the following
4936 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public
4937 access and K.C.C. 21A.25.150 for recreation:

4938 a. parks; and

4939 b. trails.

4940 21. In the ~~((N))~~natural shoreline environment, only passive and low-impact
4941 recreational uses are allowed.

4942 22. Single detached residences shall be located outside of the ~~((aquatic area
4943 buffer))~~ riparian area and set back from the ordinary high water mark to the maximum
4944 extent practical.

4945 23. Only allowed as part of a water-dependent shoreline mixed-use development
4946 where water-dependent uses comprise more than half of the square footage of the
4947 structures on the portion of the site within the shoreline jurisdiction.

4948 24. Residential accessory uses shall meet the following standards:

4949 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply
4950 with the standards in K.C.C. 21A.25.180;
4951 b. residential accessory structures located within the ((~~aquatic area buffer~~))
4952 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and
4953 c. accessory structures shall be sited to preserve visual access to the shoreline
4954 to the maximum extent practical.

4955 25. New highway and street construction is allowed only if there is no feasible
4956 alternate location. Only low-intensity transportation infrastructure is allowed in the
4957 ((N))natural environment.

4958 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

4959 27. Only bed and breakfast guesthouses.

4960 28. Only in a marina.

4961 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

4962 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4963 SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C.

4964 21A.25.110 are hereby amended to read as follows:

4965 An applicant for an aquaculture facility shall use the sequential measures in

4966 K.C.C. 21A.25.080. The following standards apply to aquaculture:

4967 A. Unless the applicant demonstrates that the substrate modification will result in
4968 an increase in native habitat diversity, aquaculture that involves little or no substrate
4969 modification shall be given preference over aquaculture that involves substantial
4970 substrate modification and the degree of proposed substrate modification shall be limited
4971 to the maximum extent practical.

4972 B. The installation of submerged structures, intertidal structures and floating
4973 structures shall be limited to the maximum extent practical.

4974 C. Aquaculture proposals that involve substantial substrate modification or
4975 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other
4976 similar mechanisms, shall not be allowed in areas where the proposal would adversely
4977 impact critical saltwater or critical freshwater habitats.

4978 D. Aquaculture activities that after implementation of mitigation measures would
4979 have a significant adverse impact on natural, dynamic shoreline processes, or that would
4980 result in a net loss of shoreline ecological functions shall be prohibited.

4981 E. Aquaculture should not be located in areas that will result in significant
4982 conflicts with navigation or other water-dependent uses.

4983 F. Aquaculture facilities shall be designed, located, and managed to prevent the
4984 spread of diseases to native aquatic life or the spread of new nonnative species.

4985 G. Aquaculture practices shall be designed to minimize use of artificial chemical
4986 substances and shall use chemical compounds that are least persistent and have the least
4987 impact on plants and animals. Herbicides and pesticides shall be used only in
4988 conformance with state and federal standards and to the minimum extent needed for the
4989 health of the aquaculture activity.

4990 H. Noncommercial native salmon net pen facilities that involve minimal
4991 supplemental feeding and limited use of chemicals or antibiotics as provided in
4992 subsection G. of this section may be located in King County marine waters if they are
4993 consistent with subsections S. and Y. of this section and are:

4994 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

4995 2. For the limited penned cultivation of wild salmon stocks during a limited
4996 portion of their lifecycle to enhance restoration of native stocks; or

4997 3. For rearing to adulthood in order to harvest eggs as part of a captive brood
4998 stock recovery program for endangered species.

4999 I. If uncertainty exists regarding potential impacts of a proposed aquaculture
5000 activity and for all experimental aquaculture activities, unless otherwise provided for, the
5001 department may require baseline and periodic operational monitoring by a county-
5002 approved consultant, at the applicant's expense, and shall continue until adequate
5003 information is available to determine the success of the project and the magnitude of any
5004 probable ((significant)) adverse environmental impacts. Permits for such activities shall
5005 include specific performance measures and provisions for adjustment or termination of
5006 the project at any time if monitoring indicates ((significant,)) adverse environmental
5007 impacts that cannot be adequately mitigated.

5008 J. Aquaculture developments approved on an experimental basis shall not exceed
5009 five acres in area, except land-based projects and anchorage for floating systems, and
5010 three years in duration. The department may issue a new permit to continue an
5011 experimental project as many times as it determines is necessary and appropriate.

5012 K. The department may require aquaculture operations to carry liability insurance
5013 in an amount commensurate with the risk of injury or damage to any person or property
5014 as a result of the project. Insurance requirements shall not be required to duplicate
5015 requirements of other agencies.

5016 L. If aquaculture activities are authorized to use public facilities, such as boat
5017 launches or docks, King County may require the applicant to pay a portion of the cost of

5018 maintenance and any required improvements commensurate with the use of those
5019 facilities.

5020 M. New aquatic species that are not previously cultivated in Washington state
5021 shall not be introduced into King County saltwaters or freshwaters without prior written
5022 approval of the Director of the Washington state Department of Fish and Wildlife and the
5023 Director of the Washington state Department of Health. This prohibition does not apply
5024 to((÷)) Pacific, Olympia, Kumomoto, Belon₂ or Virginica oysters; Manila, Butter, or
5025 Littleneck clams; or Geoduck clams.

5026 N. Unless otherwise provided in the shoreline permit issued by the department,
5027 repeated introduction of an approved organism after harvest in the same location shall
5028 require approval by the county only at the time the initial aquaculture use permit is
5029 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
5030 organism in any area within the waters of King County regardless of whether it is a native
5031 or resident organism within the county and regardless of whether it is being transferred
5032 from within or without the waters of King County.

5033 O. For aquaculture projects, overwater structures shall be allowed only if
5034 necessary for the immediate and regular operation of the facility. Overwater structures
5035 shall be limited to the storage of necessary tools and apparatus in containers of not more
5036 than three feet in height, as measured from the surface of the raft or dock.

5037 P. Except for the sorting or culling of the cultured organism after harvest and the
5038 washing or removal of surface materials or organisms before or after harvest, no
5039 processing of any aquaculture product shall occur in or over the water unless specifically
5040 approved by permit. All other processing and processing facilities shall be located

5041 landward of the ordinary high water mark.

5042 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict
5043 compliance with all applicable governmental waste disposal standards, including, but not
5044 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
5045 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the
5046 site of any aquaculture operation.

5047 R. Unless approved in writing by the National Marine Fisheries Service or the
5048 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
5049 harassment of birds or mammals. Approved controls include, but are not limited to,
5050 double netting for seals, overhead netting for birds, and three-foot high fencing or netting
5051 for otters. The use of other nonlethal, nonabusive predator control measures shall be
5052 contingent upon receipt of written approval from the National Marine Fisheries Service
5053 or the U.S. Fish and Wildlife Service, as required.

5054 S. Finfish net pens and rafts shall meet the following criteria in addition to the
5055 other applicable regulations of this section:

5056 1. Finfish net pens shall not be located in Quartermaster Harbor. For the
5057 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north
5058 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner
5059 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

5060 2. Finfish net pens shall meet, at a minimum, state approved administrative
5061 guidelines for the management of net pen cultures. In the event there is a conflict in
5062 requirements, the more restrictive requirement shall prevail;

5063 3. Finfish net pens shall not occupy more than two surface acres of water area,

5064 excluding booming and anchoring requirements. Anchors that minimize disturbance to
5065 substrate, such as helical anchors, shall be employed. Such operations shall not use
5066 chemicals or antibiotics;

5067 4. Aquaculture proposals that include new or added net pens or rafts shall not be
5068 located closer than one nautical mile to any other aquaculture facility that includes net
5069 pens or rafts. The department may authorize a lesser distance if the applicant
5070 demonstrates to the satisfaction of the department that the proposal will be consistent
5071 with the environmental and aesthetic policies and objectives of this chapter and the
5072 shoreline master program. The applicant shall demonstrate to the satisfaction of the
5073 department that the cumulative impacts of existing and proposed operations would not be
5074 contrary to the policies and regulations of the program;

5075 5. Net cleaning activities shall be conducted on a frequent enough basis so as
5076 not to violate state water quality standards. When feasible, the cleaning of nets and other
5077 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

5078 6. In the event of a significant fish kill at the site of a net pen facility, the finfish
5079 aquaculture operator shall submit a timely report to public health – Seattle & King
5080 County, environmental health division, and the department of local services, permitting
5081 division, stating the cause of death and shall detail remedial actions to be implemented to
5082 prevent reoccurrence.

5083 T. All floating and submerged aquaculture structures and facilities in navigable
5084 waters shall be marked in accordance with United States Coast Guard requirements.

5085 U. The rights of treaty tribes to aquatic resources within their usual and
5086 accustomed areas shall be addressed through direct coordination between the applicant

5087 and the affected Indian tribes through the permit review process.

5088 V. Aquaculture structures and equipment shall be of sound construction and shall
5089 be so maintained. Abandoned or unsafe structures and equipment shall be removed or
5090 repaired promptly by the owner. Where any structure might constitute a potential hazard
5091 to the public in the future, the department shall require the posting of a bond
5092 commensurate with the cost of removal or repair. The department may abate an
5093 abandoned or unsafe structure in accordance with K.C.C. Title 23.

5094 W. Aquaculture shall not be approved where it will adversely impact eelgrass and
5095 macroalgae.

5096 X. Commercial salmon net pens and nonnative marine finfish aquaculture are
5097 prohibited.

5098 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations
5099 in this section and shall meet the following criteria and requirements:

5100 1. Each finfish net pen application shall provide a current, peer-reviewed
5101 science review of environmental issues related to finfish net pen aquaculture;

5102 2. The department shall only approve a finfish net pen application if the
5103 department determines the scientific review demonstrates:

5104 a. that the project construction and activities will achieve no net loss of
5105 ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and
5106 no documented adverse long-term impact to applicable elements of the environment,
5107 including, but not limited to, habitat for native salmonids, water quality, critical saltwater
5108 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the
5109 benthic community below the net pen or other environmental attributes; and

5110 b. that the finfish net pen does not involve significant risk of cumulative
5111 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or
5112 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other
5113 adverse effects on native species or threatened or endangered species and their habitats;

5114 3. The department's review shall:

5115 a. include an assessment of the risk to endangered species, non-endangered
5116 species, and other biota that could be affected by the finfish net pen; and

5117 b. evaluate and model water quality impacts utilizing current information,
5118 technology, and assessment models. The project proponent shall be financially
5119 responsible for this water quality assessment;

5120 4. Finfish net pens shall be designed, constructed and maintained to prevent
5121 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,
5122 wind and wave events of record, floating and submerged debris, and tidal action;

5123 5. Finfish net pens shall not be located:

5124 a. within three hundred feet of an area containing eelgrass or a kelp bed;
5125 b. within one thousand five hundred feet of an ordinary high water mark; or
5126 c. in a designated Washington state Department of Natural Resources aquatic
5127 reserve;

5128 6. A finfish net pen may not be used to mitigate the impact of a development
5129 proposal; and

5130 7. For finfish net pens that are not noncommercial native salmon net pens, the
5131 conditional use permit for the net pen shall be renewed every five years. An updated
5132 scientific review shall be conducted as part of the renewal and shall include a new risk

5133 assessment and evaluation of the impact of the operation of the finfish net pen during the
5134 previous five years.

5135 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

5136 SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C.

5137 21A.25.150 are hereby amended to read as follows:

5138 Recreational development (~~((must))~~) shall meet the following standards:

5139 A. The recreational development (~~((must be))~~) is (~~((permitted))~~) allowed in the
5140 underlying zone;

5141 B. Recreational uses in the (~~((N))~~) natural shoreline environment (~~((must))~~) shall be
5142 water-oriented;

5143 C. Swimming areas shall be separated from boat launch areas and marinas, to the
5144 maximum extent practical;

5145 D. The development of underwater sites for sport diving shall not:

5146 1. Take place at depths of greater than eighty feet;

5147 2. Constitute a navigational hazard; and

5148 3. Be located in areas where the normal waterborne traffic would constitute a
5149 hazard to those people who may use such a site;

5150 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
5151 and launching facilities below the ordinary high water mark shall be governed by the
5152 regulations relating to docks, piers, moorage, buoys, floats, or launching facility
5153 construction in K.C.C. 21A.25.180;

5154 F. Public boat launching facilities or marinas shall be governed by K.C.C.
5155 21A.25.120;

5156 G. Campgrounds in the ((N))natural shoreline environment shall meet the
5157 following conditions:

5158 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
5159 not, be located outside of critical area((s)) and associated buffers;

5160 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

5161 3. Removal of vegetation shall be limited to the maximum extent practical;

5162 H. Public contact with unique and fragile areas shall be ((permitted)) allowed
5163 where it is possible without destroying the natural character of the area;

5164 I. Water viewing, nature study, recording, and viewing shall be accommodated
5165 by open space, platforms, benches, or shelter, consistent with public safety and security;

5166 J. Public recreation shall be provided on county-owned lands consistent with this
5167 chapter unless the director determines public recreation is not compatible with other uses
5168 on the site or will create a public safety risk; and

5169 K. To the maximum extent practical, proposals for non((-))water oriented active
5170 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be
5171 ((permitted)) allowed where the non((-))water oriented active recreation facility would
5172 have an adverse impact on critical saltwater or critical freshwater habitats.

5173 SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C.
5174 21A.25.160 are hereby amended to read as follows:

5175 A. The shoreline modification table in this section determines whether a specific
5176 shoreline modification is allowed within each of the shoreline environments. The
5177 shoreline environment is located on the vertical column and the specific use is located on
5178 the horizontal row of the table. The specific modifications are grouped by the shoreline

5179 modification categories in WAC 173-26-231. The table should be interpreted as follows:

5180 1. If the cell is blank in the box at the intersection of the column and the row,
5181 the modification is prohibited in that shoreline environment;

5182 2. If the letter "P" appears in the box at the intersection of the column and the
5183 row, the modification may be allowed within the shoreline environment;

5184 3. If the letter "C" appears in the box at the intersection of the column and the
5185 row, the modification may be allowed within the shoreline environment subject to the
5186 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

5187 4. If a number appears in the box at the intersection of the column and the row,
5188 the modification may be allowed subject to the appropriate review process indicated in
5189 this section and the specific development conditions indicated with the corresponding
5190 number immediately following the table, and only if the underlying zoning allows the
5191 modification. If more than one number appears at the intersection of the column and
5192 row, both numbers apply;

5193 5. If more than one letter-number combination appears in the box at the
5194 intersection of the column and the row, the modification is allowed within that shoreline
5195 environment subject to different sets of limitations or conditions depending on the review
5196 process indicated by the letter, the specific development conditions indicated in the
5197 development condition with the corresponding number immediately following the table;

5198 6. A shoreline modification may be allowed in the aquatic environment only if
5199 that shoreline modification is allowed in the adjacent shoreland environment; and

5200 7. This section does not authorize a shoreline modification that is not allowed
5201 by the underlying zoning, but may add additional restrictions or conditions or prohibit

5202 specific modifications within the shoreline jurisdiction. All shoreline modifications in
 5203 the shoreline jurisdiction shall comply with all relevant county code provisions and with
 5204 the King County shoreline master program.

5205 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 existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9
--	----	----	----	----	----	----	----	----

5206 C. Development conditions.

5207 1. New and replacement shoreline stabilization, including bulkheads, shall meet
5208 the standards in K.C.C. 21A.25.170((;)).

5209 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.
5210 chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King
5211 County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection
5212 Guidelines (Washington state ((~~d~~)) Departments of Fish and Wildlife, Ecology, and
5213 Transportation, ((2003)) 2002). New structural flood hazard protection measures are
5214 allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific
5215 and engineering analysis that the structural measures are necessary to protect existing
5216 development, that nonstructural measures are not feasible and that the impact on
5217 ecological functions and priority species and habitats can be successfully mitigated ((~~so~~
5218 as)) to assure no net loss of shoreline ecological functions. New flood protection
5219 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.
5220 21A.25.170.

5221 b. Relocation, replacement, or expansion of existing flood control facilities
5222 within the ((~~N~~)) natural shoreline environment are allowed, subject to the requirements of
5223 the 2024 King County Flood Management Plan and consistent with the ((~~Washington~~
5224 ~~State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and
5225 bioengineering techniques used to the maximum extent practical. New facilities would

5226 only be allowed consistent with an approved watershed resources inventory area (WRIA)
5227 salmon recovery plan under chapter 77.85 RCW.

5228 3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with
5229 the standards in K.C.C. 21A.25.180((~~3~~)).

5230 4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

5231 b. A shoreline conditional use permit is required to:

5232 (1) Place fill waterward of the ordinary high water mark for any use except
5233 ecological restoration or for the maintenance and repair of flood protection facilities; and

5234 (2) Dispose of dredged material within shorelands or wetlands within a
5235 channel migration zone;

5236 c. ~~((F))~~fill shall not be placed in critical saltwater or critical freshwater habitats
5237 except when all of the following conditions are met:

5238 (1) the public's need for the proposal is clearly demonstrated and the proposal
5239 is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW
5240 90.58.020;

5241 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by
5242 an alternative alignment or location is not feasible or would result in unreasonable and
5243 disproportionate cost to accomplish the same general purpose;

5244 (3) the project including any required mitigation, will result in no net loss of
5245 ecological functions associated with critical saltwater or critical freshwater habitats; and

5246 (4) the project is consistent with the state's interest in resource protection and
5247 species recovery; and

5248 d. In a channel migration zone, any filling shall protect shoreline ecological

5249 functions, including channel migration.

5250 5.a. Breakwaters, jetties, groins, and weirs:

5251 (1) are only allowed where necessary to support water dependent uses, public
5252 access, approved shoreline stabilization, or other public uses, as determined by the
5253 director;

5254 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
5255 habitat restoration project or as an alternative to construction of a shoreline stabilization
5256 structure;

5257 (3) shall not intrude into or over critical saltwater or critical freshwater
5258 habitats except when all of the following conditions are met:

5259 (a) the public's need for the structure is clearly demonstrated and the
5260 proposal is consistent with protection of the public trust, ~~((as embodied))~~ in accordance
5261 with RCW 90.58.020;

5262 (b) avoidance of impacts to critical saltwater or critical freshwater habitats
5263 by an alternative alignment or location is not feasible or would result in unreasonable and
5264 disproportionate cost to accomplish the same general purpose;

5265 (c) the project including any required mitigation, will result in no net loss of
5266 ecological functions associated with critical saltwater or critical freshwater habitats; and

5267 (d) the project is consistent with the state's interest in resource protection
5268 and species recovery.

5269 b. Groins are only allowed as part of a restoration project sponsored or
5270 cosponsored by a public agency that has natural resource management as a primary
5271 function.

5272 c. A conditional shoreline use permit is required, except for structures installed
5273 to protect or restore shoreline ecological functions.

5274 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.
5275 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
5276 material within shorelands, wetlands, or side channels within a channel migration zone.

5277 7.~~((a. If the department determines))~~ Limited to projects where the primary
5278 purpose is ~~((restoration))~~ to restore or enhance of the natural character and ecological
5279 functions of the shoreline, ~~((a shoreline habitat and natural systems enhancement))~~ as
5280 follows:

5281 a. the project may include shoreline modification of vegetation, removal of
5282 nonnative or invasive plants, and shoreline stabilization, including the installation of
5283 large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions identified through
5284 biological assessments required by the National Marine Fisheries Services and applied to
5285 flood hazard mitigation projects may include shoreline modifications of vegetation,
5286 removal of nonnative or invasive plants, and shoreline stabilization, including the
5287 installation of large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions
5288 identified through biological assessments required by the National Marine Fisheries
5289 Services and applied to flood hazard mitigation projects may include shoreline
5290 modifications of vegetation, removal of nonnative or invasive plants, and shoreline
5291 stabilization, including the installation of large ~~((woody debris))~~ wood, dredging, and
5292 filling~~((:))~~;

5293 b. Within the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area, the county may grant relief
5294 from shoreline master program development standards and use regulations resulting from

5295 shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-
5296 215((-));

5297 c. A shoreline habitat and natural systems enhancement project shall provide a
5298 net ecological benefit and increase in functions over the existing ecological and
5299 functional conditions of the habitat project area; and

5300 d. A restoration or enhancement plan shall include:

5301 (1) an evaluation of the anticipated net change in ecological functions from
5302 pre-project to post-project; and

5303 (2) a monitoring and reporting plan to demonstrate the gain of ecological
5304 function.

5305 8. Within the critical area and critical area buffer, vegetation removal is subject
5306 to K.C.C. chapter 21A.24.

5307 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
5308 native vegetation located outside of the critical area and critical area buffer shall be
5309 retained to the maximum extent practical. Within the critical area and critical area buffer,
5310 vegetation removal is subject to K.C.C. chapter 21A.24.

5311 SECTION 99. Ordinance 3688, Section 414, as amended, and K.C.C.

5312 21A.25.190 are hereby amended to read as follows:

5313 Excavation, dredging, dredge material disposal, and filling may be permitted only
5314 as follows:

5315 A. Fill or excavation landward of the ordinary high water mark shall be subject to
5316 K.C.C. chapters 16.82 and 21A.24;

5317 B. Fill may be permitted below the ordinary high water mark only:

5318 1. When necessary to support a water dependent use;
5319 2. To provide for public access;
5320 3. When necessary to mitigate conditions that endanger public safety, including
5321 flood risk reduction projects;
5322 4. To allow for cleanup and disposal of contaminated sediments as part of an
5323 interagency environmental cleanup plan;
5324 5. To allow for the disposal of dredged material considered suitable under, and
5325 conducted in accordance with, the dredged material management program of the
5326 Washington state Department of Natural Resources;
5327 6. For expansion or alteration of transportation or utility facilities currently
5328 located on the shoreline and then only upon demonstration that alternatives to fill are not
5329 feasible; or
5330 7. As part of mitigation actions, environmental restoration projects and habitat
5331 enhancement projects;
5332 C. Fill or excavations shall be permitted only when technical information
5333 demonstrates water circulation, littoral drift, aquatic life and water quality will not be
5334 substantially impaired and that the fill or excavation will not obstruct the flow of the
5335 ordinary high water, flood waters or cutoff or isolate hydraulic features from each other;
5336 D. Dredging and dredged material disposal below the ordinary high water mark
5337 shall be permitted only:
5338 1. When necessary for the operation of a water dependent use;
5339 2. When necessary to mitigate conditions that endanger public safety or
5340 fisheries resources;

5341 3. As part of and necessary to roadside ~~((or agricultural))~~ ditch maintenance that
5342 is performed consistent with ~~((best management practices promulgated through~~
5343 ~~administrative rules under the critical areas provisions of))~~ King County Regional Road
5344 Maintenance Guidelines and K.C.C. chapter 21A.24 or consistent with the King County
5345 agricultural assistance drainage program and if:

5346 a. the maintenance does not involve any expansion of the ditch beyond its
5347 previously excavated size. This limitation shall not restrict the county's ability to require
5348 mitigation~~((s))~~ under K.C.C. chapter 21A.24~~((s))~~ or other applicable laws;

5349 b. the ditch was not constructed or created in violation of law;

5350 c. the maintenance is accomplished with the least amount of disturbance to the
5351 stream or ditch as possible;

5352 d. the maintenance occurs during the summer low flow period and is timed to
5353 avoid disturbance to the stream or ditch during periods critical to salmonids; and

5354 e. the maintenance complies with standards designed to protect salmonids and
5355 salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection D.3.e.
5356 shall not be construed to permit the mining or quarrying of any substance below the
5357 ordinary high water mark;

5358 4. For establishing, maintaining, expanding, relocating, or reconfiguring
5359 navigation channels and basins when necessary to ensure safe and efficient
5360 accommodation of existing navigation uses when:

5361 a. significant ecological impacts are minimized;

5362 b. mitigation is provided;

5363 c. maintained to the existing authorized location, depth, and width;

5364 5. For restoration projects when((~~3~~)

5365 ((~~a~~)) the site where the fill is placed is located waterward of the ordinary high

5366 water mark((~~3~~)) and:

5367 ((~~b~~)) a. the project is associated with a habitat project under the Model Toxics

5368 Control Act or the Comprehensive Environmental Response, Compensation, and

5369 Liability Act; or

5370 ((~~e~~)) b. any habitat enhancement or restoration project; and

5371 6. For flood risk reduction projects conducted in accordance with Policy 9 of the

5372 2024 King County Flood Management Plan;

5373 E. Dredging is not allowed waterward of the ordinary high water mark for the

5374 primary purpose of obtaining fill material or creating a new marina;

5375 F. Disposal of dredged material shall be done only in approved deep water

5376 disposal sites or approved upland disposal sites and is not allowed within wetlands or

5377 channel migration zones;

5378 G. Stockpiling of dredged material in or under water is prohibited; and

5379 H. ((~~In order to insure that operations involving dredged material disposal and~~

5380 ~~maintenance dredging are consistent with the King County shoreline master program as~~

5381 ~~required by RCW 90.58.140(1), n~~))No dredging may commence in any shoreline

5382 environment without ((~~the responsible person having first obtained either~~)) a substantial

5383 development permit or a statement of exemption when required under K.C.C.

5384 21A.25.290. A statement of exemption or shoreline permit is not required before

5385 emergency dredging needed to protect property from imminent damage by the elements,

5386 if statement of exemption or substantial development permit is subsequently obtained

5387 following the procedures in K.C.C. 16.82.065.

5388 SECTION 100. Ordinance 16985, Section 46, as amended, and K.C.C.

5389 21A.25.210 are hereby amended to read as follows:

5390 A. The expansion of a dwelling unit or residential accessory structure located in
5391 the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the~~
5392 ~~following:~~

5393 ~~A.))~~ shall require a shoreline variance ~~((if the proposed expansion ((will)):~~

5394 1. ((#))Results in a total cumulative expansion of the dwelling unit and
5395 accessory structures ((of)) by more than one thousand square feet~~((, a shoreline variance~~
5396 ~~is required; and~~

5397 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
5398 ~~the expansion is not allowed));~~

5399 2. Is within thirty-five feet of the ordinary high water mark; or

5400 3. Is between thirty-five feet and fifty feet of the ordinary high water mark and
5401 the expansion extending towards the ordinary high water mark is more than three
5402 hundred square feet.

5403 SECTION 101. Ordinance 11168, Section 3, as amended, and K.C.C.

5404 21A.30.045 are hereby amended to read as follows:

5405 ~~A. ((To achieve the maximum density allowances using))~~ The livestock densities
5406 in K.C.C. 21A.30.040 may be achieved through a livestock management plan component
5407 of a farm management plan~~((, the))~~. A livestock management plan ~~((must meet the~~
5408 ~~following criteria))~~ component shall:

5409 1. ((The plan is)) Comply with the requirements of K.C.C. 21A.24.051 for farm

5410 management plans;

5411 2. Be developed as part of a program authorized or approved by King County.

5412 Certified Washington state Department of Ecology nutrient management plans that are

5413 consistent with all of the criteria of this section may substitute for a livestock

5414 ~~((management component of a farm))~~ management plan component for commercial dairy

5415 farms. Commercial dairy farms that do not have approved nutrient management plans

5416 ~~((must))~~ shall meet the requirements of K.C.C 21A.30.060;

5417 ~~((2. The plan))~~ 3. ~~((i))~~ Include~~((s))~~ site-specific best management ~~((measures))~~

5418 practices for minimizing nonpoint pollution from agricultural activities and for managing

5419 wetland ~~((and))~~, wetland buffers, aquatic areas, and riparian areas, including, but not

5420 limited to:

5421 a. livestock watering;

5422 b. grazing and pasture management;

5423 c. confinement area management;

5424 d. manure management; and

5425 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,

5426 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet

5427 meadows~~((s))~~;

5428 ~~((3. The plan is))~~ 4. Be implemented within a timeframe established in the plan

5429 and maintained so that nonpoint pollution attributable to livestock-keeping is minimized;

5430 and

5431 ~~((4. A))~~ 5. Include a monitoring plan ~~((may be))~~, if required ~~((as part of the~~

5432 ~~livestock management component of a farm management plan))~~, to demonstrate that there

5433 is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat.

5434 Monitoring results shall be made available to the King County agriculture program.

5435 B. The livestock ~~((management component of a farm))~~ management plan

5436 component shall, at a minimum:

5437 1.a. ~~((Generally seek to achieve a twenty-five foot buffer of))~~ Establish grazing

5438 area buffers with diverse, mature vegetation between grazing areas and ~~((the ordinary~~

5439 ~~high water mark of all type S and F aquatic areas and))~~ critical areas as follows:

5440 (1) forty feet from the ~~((wetland))~~ edge of a ~~((ny))~~ category I, II₁ or III

5441 wetland₁ ~~((with the))~~ except ~~((ion of))~~ grazed wet meadows ~~((, using buffer averaging~~

5442 ~~where necessary to accommodate existing structures.))~~;

5443 (2) forty feet from a type S or F aquatic area;

5444 (3) thirty-five feet from a type N aquatic area;

5445 (4) twenty feet from the edge of a category IV wetland, except grazed wet

5446 meadows;

5447 (5) no minimum from grazed wet meadows; and

5448 (6) the clearing of lands for new grazing areas shall not occur in wetlands,

5449 wetland buffers, or riparian areas that contain predominantly native forest overstory,

5450 shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area

5451 widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5452 b. The ~~((livestock management component of a farm management plans may~~

5453 ~~vary the))~~ width of the grazing area buffer ~~((of an aquatic area or wetland,))~~ and the time

5454 and duration of animal exclusion throughout the year ~~((, according to guidelines agreed~~

5455 ~~upon by King County and the King Conservation District))~~ may be modified consistent

5456 with the public rule established to implement farm management plans. The ~~((guidelines))~~
5457 public rule may ((support-a)) allow for different grazing area buffer widths and limited
5458 vegetation management for sight lines, ditch maintenance, crossing points, and noxious
5459 weed control consistent with this chapter and based on both the nature of the farm
5460 operation and the function and sensitivity of the aquatic area or wetland.

5461 c. The livestock management plan ~~((must))~~ component shall include best
5462 management practices that avoid having manure accumulate in or within ten feet of type
5463 ~~((N or))~~ O ~~((waters))~~ aquatic areas. ~~((Forested lands being cleared for grazing areas shall~~
5464 ~~comply with the critical area buffers in K.C.C. chapter 21A.24))~~);

5465 2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal
5466 waste to aquatic areas and wetlands;

5467 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature
5468 vegetation beyond the grazing area buffers identified in subsection B.1. of this section
5469 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F
5470 ~~((waters))~~, and N aquatic areas. This requirement may be waived for existing
5471 confinement areas on lots of two and one-half acres or less in size if:

5472 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation
5473 is achieved;

5474 b. manure within the confinement area is removed daily during the winter
5475 season from October 15 to April 15, and stored in accordance with K.C.C.
5476 21A.30.060.D.; and

5477 c. additional best management practices~~((, as recommended by the King~~
5478 ~~Conservation District,))~~ in an approved farm management plan are implemented~~((;))~~ and

5479 maintained; and

5480 4. Include a schedule for implementation.

5481 C. Any deviation from the manure management standards ~~((must))~~ shall be
5482 addressed in ~~((a))~~ the livestock ~~((management component of a farm))~~ management plan
5483 component.

5484 D. ~~((A copy of the final plans shall be submitted to the department of natural
5485 resources and parks within sixty days of completion.~~

5486 ~~E. The farm management plan approved by the department of natural resources
5487 and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040
5488 and 20.22.080. Appeals may be filed only by the property owner or four members of the
5489 King County agriculture commission. Any farm management plan not appealed shall
5490 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.
5491 9.12.035.)) Properties operating under an existing livestock management plan component
5492 based on the standards in effect before the effective date of this section shall be deemed
5493 to have satisfied the standards of this section.~~

5494 E. For the purposes of this section, in aquatic areas and riparian areas, distances
5495 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5496 the top of the bank if the ordinary high water mark cannot be identified.

5497 SECTION 102. Ordinance 10870, Section 534, as amended, and K.C.C.
5498 21A.30.060 are hereby amended to read as follows:

5499 ~~((Property owners with farms containing either large))~~ A. The livestock ~~((at))~~
5500 densities ~~((greater than one animal unit per two acres, or small livestock at densities
5501 greater than five animals per acre, or both, are not required to follow an livestock))~~

5502 identified in K.C.C. 21A.30.040 without a farm management plan (~~((if the owners~~
5503 ~~adhere))~~) are subject to (~~((the management standards in subsections A. through G. of))~~) this
5504 section. This section applies only if farm practices do not result in violation of any
5505 federal, state, or local water quality standards.

5506 (~~((A.))~~) B. To minimize livestock access to aquatic areas, property owners shall
5507 utilize the following for livestock watering (~~((options))~~):

5508 1. The preferred option, which is a domestic water supply, stock watering pond,
5509 roof runoff collection system, or approved pumped supply from (~~((the))~~) aquatic areas so
5510 that livestock are not required to enter aquatic areas for their water supply.

5511 2.a. Livestock access to type S(~~((and))~~), F (~~((waters, including their buffers))~~), and
5512 N aquatic areas and riparian areas shall be limited to crossing and watering points that
5513 have been addressed by a crossing or watering point plan designed to Natural Resource
5514 Conservation Services or King Conservation District specifications that prevent free
5515 access along the length of the aquatic areas.

5516 (~~((a.))~~) b. Fencing shall be used as necessary to prevent livestock access to type
5517 S (~~((and))~~), F (~~((waters))~~), and N aquatic areas.

5518 (~~((b.))~~) c. Bridges may be used(~~((, in accordance with K.C.C. chapter 21A.24, in~~
5519 ~~lieu of))~~) in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and
5520 abutments shall not be placed within the ordinary high water mark or top-of-bank,
5521 whichever is greater. Bridges shall be designed to allow free flow of flood waters and
5522 shall not diminish flood carrying capacity. These bridges may be placed without a
5523 (~~((county))~~) building permit, but the permit waiver shall not constitute any assumption of
5524 liability by the county with regard to such bridge or its placement. The waiver of a

5525 ~~((county))~~ building permit ~~((requirements))~~ does not constitute a waiver from other
5526 required agency permits.

5527 ~~((B.))~~ C.1. Existing grazing areas without a farm management plan and not
5528 addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative))~~ grazing area buffer
5529 ~~((of))~~ as follows:

5530 a. fifty feet from the ~~((wetland))~~ edge of a category I, II, or III wetland, except
5531 ~~((those wetlands meeting the definition of))~~ grazed wet meadows~~((, or the ordinary high~~
5532 water mark of));

5533 b. fifty feet from a type S ~~((or))~~, F ~~((water))~~, or N aquatic area;

5534 c. twenty-five feet from the edge of a category IV wetland, except grazed wet
5535 meadows; and

5536 d. no minimum from grazed wet meadows.

5537 2. ~~((Forested))~~ The clearing of lands ~~((being cleared))~~ for new grazing areas
5538 shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly
5539 native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian
5540 area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5541 3. ~~((The grazing area buffer may be reduced to twenty five feet where a twenty-~~
5542 ~~five foot buffer of diverse, mature vegetation already exists. This buffer reduction may~~
5543 ~~not be used when forested lands are being cleared for grazing areas.~~

5544 4.)) Fencing shall be used to establish and maintain the grazing area buffer
5545 unless the buffer is otherwise impenetrable to livestock.

5546 ~~((5.))~~ 4. Fencing installed in accordance with the ~~((1990 Sensitive Area~~
5547 ~~Ordinance before February 14, 1994))~~ standards in effect before the effective date of this

5548 ordinance, at ~~((setbacks))~~ distances other than those specified in subsection ~~((B.1. and 2.))~~
5549 C. of this section shall be deemed to constitute compliance with those requirements.

5550 ~~((6.))~~ 5. Grazing areas within two hundred feet of a wetland or type S~~((or))~~, F
5551 ~~((water or category I, II or III wetland))~~, or N aquatic area shall not be plowed during the
5552 rainy season from October 1 through April 30.

5553 ~~((7.))~~ 6. Grazing areas may extend to the property line, provided that wetlands
5554 and type S~~((or))~~, F ~~((waters and category I, II and III wetlands))~~, or N aquatic areas that
5555 are located adjacent to the property line are ~~((buffered))~~ protected in accordance with
5556 subsection ~~((B.1., 2. or 3.))~~ C. of this section.

5557 ~~((C.))~~ D.1. In addition to the grazing area buffers in subsection ~~((B.1. and 2.))~~ C.
5558 of this section, confinement areas located within two hundred feet of any wetland, except
5559 grazed wet meadows, or type S~~((or))~~, F, ~~((waters or category I, II or III, wetlands with the~~
5560 exception of grazed wet meadows)) or N aquatic areas shall:

5561 a. have a twenty-foot-wide vegetative filter strip downhill from the
5562 confinement area, consisting of heavy grasses or other ground cover with high stem
5563 density and that may also include tree cover;

5564 b. not be located in ~~((the buffer of))~~ a wetland buffer or a riparian area of
5565 a~~((ny))~~ type S~~((or))~~, F ~~((water or any wetland buffer required by the critical areas~~
5566 ordinance)), or N aquatic area in effect at the time the confinement area is built, or within
5567 fifty feet of ~~((the))~~ a wetland ~~((edge of any category I, II or III wetland)) or ~~((the ordinary~~~~
5568 high water mark of any)) type S~~((or))~~, F ~~((water))~~, or N aquatic area. Fencing shall be
5569 used to establish and maintain the wetland buffer ~~((except where existing natural~~
5570 vegetation is sufficient to exclude)) or riparian area unless the area is otherwise

5571 impenetrable to livestock ~~((from the buffer. Existing confinement areas that do not meet~~
5572 ~~these requirements shall be modified as necessary to provide the buffers specified in this~~
5573 ~~section within five years of January 1, 2005, though the footprint of existing buildings~~
5574 ~~need not be so modified))~~; and

5575 c. have roof drains of any buildings in the confinement area diverted away
5576 from the confinement area.

5577 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and
5578 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~
5579 subsection C. of this section.

5580 ~~((D:))~~ E.1. Manure storage areas shall be managed as follows:

5581 a. Surface flows and roof runoff shall be diverted away from manure storage
5582 areas;

5583 b. All manure stockpiled within two hundred feet uphill of ~~((any the ordinary~~
5584 ~~high water mark of))~~ a wetland or type S ~~((or))~~, F ~~((water or the edge of a category I, II or~~
5585 ~~III wetland))~~, or N aquatic area shall either be covered in a manner that excludes
5586 precipitation and allows free flow of air to minimize fire danger or be placed in an
5587 uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle₂ or
5588 other facility designed to prevent leachate from reaching any aquatic area or wetland.
5589 Concrete bunkers shall be monitored quarterly for the first two years after installation,
5590 then annually unless problems were identified in the first two years, in which case
5591 quarterly monitoring shall continue and appropriate adjustments shall be made; and
5592 c.(1) Manure shall not be stored in a ~~((ny aquatic area buffer))~~ riparian area or
5593 wetland buffer, with the exception of grazed ~~((or tilled))~~ wet meadows₂ unless there is no

5594 other alternative on the property. Manure shall be stored in a location that avoids having
5595 runoff from the manure enter aquatic areas or wetlands.

5596 (2) Manure piles shall not be closer than one hundred feet uphill from:

5597 ~~((1))~~ (a) any wetland edge excluding grazed ~~((or tilled))~~ wet meadows;

5598 ~~((2))~~ (b) the ordinary high water mark of any aquatic area; or

5599 ~~((3))~~ (c) any ditch to which the topography would generally direct runoff
5600 from the manure~~((; and))~~.

5601 ~~((4))~~ (3) The location may be reduced to no closer than fifty feet if the
5602 manure pile is part of an active compost system that is located on an impervious surface
5603 to prevent contact with the soil and includes a leachate containment system.

5604 2. Manure shall be spread on fields only during the growing season, and not on
5605 saturated or frozen fields.

5606 ~~((E. For purposes of this section, "buffer maintenance" means allowing
5607 vegetation in the buffer that provides shade for the aquatic area or acts as a filter for
5608 storm water entering the aquatic area, other than noxious weeds, to grow to its mature
5609 height, though grasses in the buffer may be mowed but not grazed. Grading))~~ F.

5610 Alterations in ~~((the))~~ a buffer or riparian area ~~((is))~~ are allowed only ~~((for establishment
5611 of watering and crossing points, or for other activities permitted))~~ in accordance with
5612 K.C.C. chapter 21A.24~~((, with the appropriate permits))~~.

5613 ~~((F. Properties that have existing fencing already installed at distances other than
5614 those specified in these standards, and for which livestock management farm plans have
5615 been developed based on the existing fencing locations, shall be deemed to be in
5616 compliance with the fencing requirements of these standards. Properties with or without~~

~~a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005.))~~

G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

H. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 103. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ~~((chapter 23.08))~~ Title 23.

When feasible, corrective work shall include restoration of the critical area and associated buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and associated buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ~~((buffer))~~ riparian area is altered in violation of this title, restoration of the ~~((stream and buffer))~~ aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

5640 D. All corrective work shall be completed within the time specified in the
5641 corrective work plan, but in no case later than one year from the date the corrective work
5642 plan is approved by the department, unless the director authorizes a longer period. The
5643 violator shall notify the department when restoration measures are installed and
5644 monitoring is commenced.

5645 E. Any failure to satisfy corrective work requirements established by law or
5646 condition including, but not limited to, the failure to provide a monitoring report within
5647 thirty days after it is due or comply with other provisions of an approved corrective work
5648 plan shall constitute a default, and the department may demand payment of any financial
5649 guarantees or require other action authorized by K.C.C. Title 27A or other applicable
5650 law.

5651 F. Reasonable access to the corrective work site shall be provided to King
5652 County for the purpose of inspections during any monitoring period.

5653 SECTION 104. Ordinance 17485, Section 50 is hereby amended to read as
5654 follows:

5655 The council hereby adopts the following work program items as part of the King
5656 County Comprehensive Plan 2012:

5657 A. The executive shall evaluate the benefits, costs and implementation strategies
5658 of requiring disclosure of Environmental Protection Agency Energy Star-type scores for
5659 commercial and public buildings to prospective buyers, lessees and lenders with the goal
5660 of improving energy efficiency. The executive shall prepare a report setting forth
5661 recommendations for modifications to policies, procedures and ordinances to implement
5662 the requirement of energy use disclosure by building owners. The report required by this

5663 subsection shall be transmitted to the council by June 1, 2013. The report must be filed
5664 in the form of a paper original and an electronic copy with the clerk of the council, who
5665 shall retain the original and provide an electronic copy to all councilmembers and to the
5666 lead staff for the transportation, economy and environment committee, or its successor;

5667 B. The executive shall evaluate the benefits, costs and implementation strategies
5668 of requiring solar access for the production of solar energy. For the purposes of this
5669 subsection B, "solar access" encompasses both the ability of one property to continue to
5670 receive sunlight across property lines without obstruction from another's property
5671 (buildings, foliage, or other impediment), as well as the ability to install solar energy
5672 systems on residential and commercial property that is subject to private restrictions; that
5673 is, covenants, conditions, restrictions, bylaws and condominium declarations, as well as
5674 local government ordinances and building codes. The report required by this subsection
5675 shall be transmitted to the council by June 1, 2013. The report must be filed in the form
5676 of a paper original and an electronic copy with the clerk of the council, who shall retain
5677 the original and provide an electronic copy to all councilmembers and to the lead staff for
5678 the transportation, economy and environment committee, or its successor;

5679 C.1. The executive shall complete a report on the effectiveness of county efforts
5680 to support the needs of agriculture pursuant to King County comprehensive plan policy
5681 R-667.

5682 2. The report shall include:

5683 a. a timeline for the implementation of expedited reviews and reduced fees;
5684 b. the number and types of agricultural building permits reviewed;
5685 c. an estimate of cost savings for applicants for agricultural building permits;

5686 d. an estimate of the number of agricultural building permits that were
5687 reviewed under more stringent commercial building standards; and

5688 e. a comparison between fire and building standards applied to permits for
5689 agricultural structures by King County and those of Pierce, Snohomish, Skagit and
5690 Whatcom counties.

5691 3. The report shall be transmitted to the council by September 1, 2013. The
5692 executive shall file one paper copy and one electronic copy of this plan with the clerk of
5693 the council, for distribution to all councilmembers and the lead staff of the transportation,
5694 economy and environment committee, or its successor;

5695 D.1. In addition to other formats, the executive shall produce a single, web-based
5696 document that consolidates all the chapters of the Comprehensive Plan, including the
5697 introduction and glossary.

5698 2. The consolidated document shall:

5699 a. be searchable, include hyperlinks to all cited web addresses; and
5700 b. use a non-PDF format in order to allow editing.

5701 3. Access to this consolidated document shall be made available on the
5702 executive web page no later than thirty days after the adoption of updates to the
5703 Comprehensive Plan;

5704 E. The executive shall complete a report on the effectiveness of county efforts to
5705 implement the guiding principle of equity and social justice in its planning and actions.
5706 This report shall identify any deficiencies in the implementation of this guiding principle
5707 applied to the policies contained in Comprehensive Plan. The report shall identify
5708 actions necessary to correct these deficiencies. The analysis should be done by subparts

5709 of each chapter ; that is, by each lettered section of each chapter . The report shall also
5710 recommend if the addition of a policy calling for the consideration of equity and social
5711 justice in implementation of the subpart of each chapter should be added to the
5712 Comprehensive Plan and the recommended language for all such additional policies. The
5713 report should be transmitted to the council by March 1, 2013, in order that the council
5714 may consider any recommended policy changes in accordance with K.C.C.

5715 20.18.030.B.6. The executive shall file one paper copy and one electronic copy of this
5716 plan with the clerk of the council, for distribution to all councilmembers and the lead staff
5717 of the transportation, economy and environment committee, or its successor;

5718 F.1. The executive shall complete a report on the effectiveness of county
5719 incentives to foster and support the annexation efforts of cities as well as potential
5720 barriers and their impacts.

5721 2. The report shall include:

5722 a. a needs analysis of county actions, such as the construction of improvements
5723 to infrastructure within each city potential annexation area that would be necessary to
5724 encourage annexation by a city;

5725 b. a financial analysis of potential options for funding of these county actions;

5726 and

5727 c. any state legislative action needed to facilitate annexations.

5728 3. The report shall be transmitted to the council by September 1, 2013. The
5729 executive shall file one paper copy and one electronic copy of this plan with the clerk of
5730 the council, for distribution to all councilmembers and the lead staffs for the
5731 transportation, economy and environment and budget and fiscal management, or their

5732 successor.

5733 G.1. The executive shall convene discussions between the county and its cities
5734 for the purpose of developing joint planning agreements relative to the use of transfer of
5735 development rights ("TDRs").

5736 2. The joint planning agreements should:

5737 a. identify potential preferred receiving sites both within the current boundaries
5738 of a city and its potential annexation areas; and

5739 b. include measures that would encourage the increased use of TDRs.

5740 3. The executive shall provide a report that:

5741 a. describes which cities are participating in the development of joint planning
5742 agreement; and

5743 b. outlines the process and timeline for the development of these joint planning
5744 agreements.

5745 4. The report required under subsection G.3. of this section shall be transmitted
5746 to the council by September 1, 2013. The executive shall file one paper copy and one
5747 electronic copy of the report with the clerk of the council, for distribution to all
5748 councilmembers and the lead staff of the transportation, economy and environment
5749 committee, or its successor.

5750 H.1. The executive shall complete a report on the effect of the recession on
5751 market demand for transfer of development rights.

5752 2. The report shall:

5753 a. enumerate the number of transfer of development rights ("TDRs") both sold
5754 and used for development;

5755 b. identify any difference in the demand of privately-marketed TDRs versus
5756 those TDRs sold to and obtained from the county TDR bank; and

5757 c. evaluate any impacts on TDR market demand resulting from economic
5758 conditions or from price differentials, if any, between privately marketed TDRs and those
5759 obtained from the TDR bank.

5760 3. The report shall be transmitted to the council by September 1, 2013. The
5761 executive shall file one paper copy and one electronic copy of this plan with the clerk of
5762 the council, for distribution to all councilmembers and the lead staff of the transportation,
5763 economy and environment committee, or its successor.

5764 I.1. The executive shall conduct a review of, and report on, septic systems on
5765 unincorporated properties either in or directly abutting the Sammamish Valley
5766 agricultural production district ("APD").

5767 2. The report shall:

5768 a. identify and map all such properties;

5769 b. indicate where septic system failures have occurred, or have the high
5770 potential of occurring due to age or soil conditions;

5771 c. evaluate the potential health impact of such failures on lands within the
5772 APD, especially in regard to lands used for food crops; and

5773 d. identify possible methods of sewage treatment as allowed under the
5774 Comprehensive Plan policies, and including a range of costs, for the identified methods,
5775 that may be utilized to provide for safe treatment of sewage.

5776 3. The report shall be transmitted to the council by September 1, 2013. The
5777 executive shall file one paper copy and one electronic copy of this plan with the clerk of

the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

J.1. The executive shall complete a report relating to an increased potential for safety conflicts between motorized and non-motorized uses on roadways in the Rural Area, as a result of reduced investments in or maintenance of roadways.

2. To address the potential increase of these conflicts, the report shall:

a. review the county's road design and construction standards for roadways in the Rural Area for ways to provide safer multimodal use of these roadways; and

b. for areas where there is not sufficient roadway infrastructure for safe multimodal uses, evaluate whether off-roadway trails and bike paths for nonmotorized uses should be encouraged or facilitated.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

K.1. The executive shall complete the update to the Rural Economic Strategies ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted in the 2008 Comprehensive Plan.

2. The RES plan update shall reflect:

a. policy direction of the 2012 Comprehensive Plan;

b. the effect of annexations towards focusing the county's local government role as primarily that of a rural area service provider; and

c. that while cities in the Rural Area fill a crucial need for supporting the retail

5801 and service needs of the population of the surrounding Rural Area, such cities are
5802 autonomous, which means they may plan and implement their own economic strategies,
5803 and are therefore not subject to the county's development and/or economic regulations.
5804 The updated plan and ordinance adopting the updated plan shall be transmitted to the
5805 council by September 1, 2013.

5806 L. The executive shall add to the Growth Management Planning Council's 2013
5807 work plan, the issue of multi-jurisdictional responsibility for funding of improvements to
5808 the county's rural regional corridors that are used, in large measure, to move traffic
5809 between incorporated areas.

5810 M.1. The executive shall complete a report outlining the work plan for the
5811 watershed planning process to be established for an agricultural production district
5812 ("APD") as contemplated in Comprehensive Plan Policy R-650.

5813 2. The report shall:

5814 a. establish the criteria for creating a watershed planning process;
5815 b. the general work plan for any established watershed planning process; and
5816 c. the categories of stakeholders proposed to be included for any established
5817 watershed planning process and the proposed number of participants from each category.

5818 The categories shall be but are not limited to: farmer(s) and/or resident(s) affected by the
5819 proposed project(s) in the APD; a representative from the WRIA in which the affected
5820 APD is located; a representative from the King County Agriculture Commission from the
5821 affected APD; a representative from the King Conservation District; and subject matter
5822 experts.

5823 3. The report shall be transmitted to the council by March 1, 2013. The

executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

N. The executive shall develop and transmit for council consideration and adoption, the appropriate regulations to necessary to implement policies U-188 and U-189, which relate to the Four-to-One Program. No new applications for Four-to-One proposals based on these policies shall be accepted by the executive until such time as such regulations are adopted by council. The executive-proposed regulations shall be transmitted to the council by March 1, 2013.

~~O. ((By June 1, 2013, the executive shall provide a report detailing the progress of the rule making process, as required by this ordinance, which will develop the criteria for the designation and mapping of the channel migration zone areas in unincorporated King County. Additional reports to provide updates on the progress on the rule making process and implementation of the designation and mapping of channel migration zones shall be provided each January 1 and June 1, until the mapping is completed. The reports required by this subsection shall be transmitted to the council in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor.))~~ By January 31st of each year beginning in 2026, the executive shall notify the clerk of the council and councilmembers representing districts where channel migration hazard mapping is planned to occur in the next twelve months, including a geographic scope, planned schedule, and public rule development and adoption. The executive shall maintain a

5847 publicly accessible website with information on completed and pending channel
5848 migration hazard public rules, studies, and map updates.

5849 P.1. The executive shall work collaboratively with the city of Woodinville to
5850 develop joint recommendations for promoting the wine and agriculture industries.

5851 2. In developing these recommendations, the county shall work with the city to
5852 analyze and consider the following:

5853 a. Identification of existing and needed transportation infrastructure including
5854 traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and
5855 way finding;

5856 b. The finite nature and value of agricultural soil resources and the agricultural
5857 potential of the APD;

5858 c. The character of the surrounding rural area;

5859 d. Vacant, buildable, and redevelopable land within the existing urban growth
5860 area;

5861 e. The adopted Countywide Planning Policies and King County
5862 Comprehensive Plan;

5863 f. Input from the public and interested stakeholders, including local businesses
5864 and surrounding city and unincorporated area communities;

5865 g. Failing septic systems and pollution in the valley, in conjunction with the
5866 report set forth in subsection I of this section; and

5867 h. Nonconforming uses on the unincorporated lands in King County and on the
5868 agricultural lands.

5869 Q. Recognizing that structures, such as farm pads, are vital to agriculture

activities and are allowed in the channel migration zones in accordance with K.C.C. 21A.24.045A, the executive shall work with the state Department of Ecology to develop a revised K.C.C. 21A.24.045D.56. to more accurately reflect the restrictions on placing such structures in severe channel migration zones.

SECTION 105. The following are hereby repealed:

- A. Ordinance 15713, Section 2, as amended, and K.C.C. 2.36.080;
- B. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;
- C. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;
- D. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;
- E. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;
- F. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;
- G. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;
- H. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342;
- I. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550;
- J. Ordinance 19820, Section 15; and
- K. Ordinance 19820, Section 16.

SECTION 106. By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION 107. The department of local services, permitting division, shall

5893 complete the following in order to facilitate implementation of this ordinance:

5894 A. By February 13, 2026, review and create or amend customer bulletins that
5895 include critical area information, standards, or reporting requirements to reflect the
5896 provisions of this ordinance;

5897 B. By December 31, 2026, review and create or amend customer bulletins that
5898 identify application material required based on project or site complexity, including for
5899 smaller or streamlined projects;

5900 C. Provide written notice to the clerk of the council when actions identified in
5901 Subsection A. and B. are completed and publicly available.

5902 SECTION 108. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D.,
5903 and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92,
5904 93, 95, 96, 97, 98, 99, 100, and 105 of this ordinance to the state Department of Ecology
5905 for its approval, as provided in RCW 90.58.090.

5906 SECTION 109. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66,
5907 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99,
5908 100, and 105 of this ordinance take effect within the shoreline jurisdiction fourteen days
5909 after the state Department of Ecology provides written notice of final action stating that
5910 the proposal is approved, in accordance with RCW 90.58.090. The executive shall
5911 provide the written notice of final action to the clerk of the council.

5912 SECTION 110. Except as otherwise provided in section 109 of this ordinance,
5913 this ordinance takes effect sixty-one days after the date of publication of notice of
5914 adoption of this ordinance, as provided in RCW 36.70A.290.

5915 SECTION 111. Severability. If any provision of this ordinance or its application

5916 to any person or circumstance is held invalid, the remainder of the ordinance or the
5917 application of the provision to other persons or circumstances is not affected."
5918
5919 Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment
5920 A, 2025 Update to 2024 King County Comprehensive Plan, dated December 2025. The
5921 clerk of the council is instructed to engross changes from any adopted amendments and
5922 correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the
5923 enactment number throughout Attachment A, incorporate adopted changes into the King
5924 County Comprehensive Plan, modify all Comprehensive Plan and technical maps in
5925 Attachment A to reflect the changes in any adopted amendments, update the tables of
5926 contents as necessary, update footnote numbers as necessary, and provide an electronic
5927 copy of each to the executive.

5928

5929 **EFFECT prepared by J. Ngo:** Striking Amendment S1 would make the following
5930 changes:
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- 5932 1. Removes the King County Flood Management Plan from the Shoreline Master
5933 Program.
- 5934 2. Adds a provision that the presence of a critical area on a site requires compliance
5935 with K.C.C. 21A.24 regardless of whether a critical area or buffer is shown on a
5936 notice on title or critical area map.
- 5937 3. Clarifies alteration conditions in the allowed alteration table.
- 5938 4. Clarifies requirements for instream structures.
- 5939 5. Adds alternative options for demonstrating proof of agricultural activities,
5940 including IRS form 1120, USDA form CCC-902e, and a combination of lease
5941 agreements, farm business plans or farm loans, and removes a deferred enrollment
5942 in the current use tax program option.
- 5943 6. Modifies the public comment process for adoption of the farm management plan
5944 public rule.
- 5945 7. Modifies criteria for public agency and utilities by replacing a requirement for
5946 meeting development standards with a requirement concerning the provision of
5947 services to the public and modifying a requirement that there be no other feasible
5948 location for the development proposal.
- 5949 8. Removes a critical area alteration exception provision for public schools in a

- 5950 Category II, III, and IV wetland.
- 5951 9. Modifies the definition of climate-adaptive plants to be native species or variants
- 5952 that are from western North American climates expected to be analogous to the
- 5953 Puget Sound region and that are predicted to survive under changing climate
- 5954 conditions. Removes Department of Natural Resources and Parks (DNRP)
- 5955 required identification, which is instead specified in Section 63 of the ordinance.
- 5956 10. Requires revegetation in critical areas and buffers to replicate the structure and
- 5957 functions of the historic native plant community and to prioritize vegetation
- 5958 native to King County. Allows the use of approved climate-adaptive plants when
- 5959 survival of native plants is not expected or certain due to local climate impacts.
- 5960 11. Requires the DNRP to maintain a list of species approved for use as climate-
- 5961 adaptive plants, with an initial list created by December 31, 2026. Establishes
- 5962 minimum criteria for the list, establishes a minimum process for adding or
- 5963 removing plant species in the list, requires consultation and comment from
- 5964 federally recognized Indian tribes, and requires a summary of comments.
- 5965 12. Requires risk of property damage or injury resulting from slope instability to be
- 5966 eliminated or minimized for steep slope hazard areas.
- 5967 13. Adds a provision for increased buffer or revegetation when wetland buffers are
- 5968 unvegetated, sparsely vegetated, or vegetated with invasive species that do not
- 5969 perform necessary buffer functions.
- 5970 14. Provides examples of when off-site mitigation may be approved.
- 5971 15. Allows use of the credit-debit method as an alternative for calculating
- 5972 compensatory wetland mitigation and adopts Department of Ecology guidance
- 5973 documents for application of the credit-debit method.
- 5974 16. Removes a 1:1 minimum bank credit ratio for direct impacts to wetland buffer,
- 5975 and instead requiring the ratio to be consistent with an approved mitigation
- 5976 banking instrument.
- 5977 17. Clarifies that K.C.C. 21A.24.045, which concerns allowed alterations in critical
- 5978 areas, are not considered a “development standard”
- 5979 18. Updates plan dates, fixes technical or drafting errors, grammar.
- 5980 19. Clarifies that the King County Flood Management Plan referenced in code refers
- 5981 to the 2024 adopted plan.
- 5982 20. Without a livestock farm management plan:
- 5983 a. Deems fencing installed prior to this ordinance as being compliant with
- 5984 the requirements of this ordinance.
- 5985 b. Clarifies that alterations in a buffer or riparian area are only allowed in
- 5986 accordance with K.C.C. chapter 21A.24.
- 5987 c. Removes a definition for buffer maintenance, which included vegetation
- 5988 growing to its mature height and allowed grasses to be mowed.
- 5989 21. Reverts the fee structure for critical area designations to one fee, rather than 3 fees
- 5990 based on site size.
- 5991 22. Updates the reporting requirements for channel migration mapping in a 2012
- 5992 KCCP workplan item from twice a year to once a year and requiring the executive
- 5993 to maintain online resources on channel migration mapping.
- 5994 23. Repeals the Patterson Creek Basin Citizens Advisory Committee.
- 5995 24. Repeals Section 15 and 16 of Ordinance 19820, which directs transmittal of the

5996 2024 King County Flood Management Plan to the Department of Ecology and
5997 deferred effective date 14 days after Department of Ecology approval.
5998 25. Directs the Executive to update customer bulletins by February 13, 2026 for
5999 information related to this ordinance, by December 31, 2026 for application
6000 materials based on project or complexity, and to provide written notice to the
6001 Council.
6002 26. Establishes a delayed effective date of 61 days after the date of publication of
6003 notice of adoption.
6004 27. Adds a work plan item related to reviewing the County's adopted SEPA
6005 categorical exemption thresholds. The work plan item directs the Executive to
6006 complete a report by June 30, 2028 that identifies the number of development
6007 types and housing units that would be exempt if the thresholds were raised,
6008 whether elements of the environment are adequately addressed, whether notice
6009 and comment opportunities would be available, how the County would provide
6010 adequate protections for cultural and historic resources, and what code or policy
6011 changes would be needed.

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Attachment A to Proposed Ordinance 2024-0408
2025 Update to 2024 Comprehensive Plan

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King County

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2025 Update to 2024 King County Comprehensive Plan

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~~August~~ December 2025

Comprehensive Plan Amendments
Page 1

In Chapter 3, Rural & Natural Resources, on page 3-36, after Policy R-755, amend as follows:

R-755a King County should explore implementing the Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District through engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.

Commented [EA1]: New policy calling for exploring Voluntary Stewardship Program in the Snoqualmie Valley.

In Chapter 5, Environment, on page 5-3, after Policy E-106, amend as follows:

E-106a King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas and invite consultation with individual federally-recognized Indian tribes regarding the intended purpose, sharing, and application of Indigenous Knowledge to inform protection of critical areas.

Commented [EA2]: New policy recognizing Indigenous Knowledge in informing County rules, regulations, projects, and programs for protection of critical areas.

In Chapter 5, Environment, on page 5-51, amend as follows:

((E-412 — A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414-))

In Chapter 5, Environment, on page 5-56, after Policy E-904, amend as follows:

The Voluntary Stewardship Program (RCW 36.70A.705) was created under GMA in 2011 to balance the protection and enhancement of critical areas on agricultural lands with the long-term support of viable agriculture in selected watersheds. It is an alternative approach to critical areas protection for agricultural activities. The Voluntary Stewardship Program requires the development of a watershed work plan by a local work group with diverse and broad representation from the agricultural industry, Indian tribes, King Conservation District, Agriculture Commission, and other interested parties. A state approved work plan must address specific Voluntary Stewardship Program criteria and becomes the critical areas regulatory tool for agriculture in selected watersheds in place of traditional critical areas regulations for a ten-year period. A monitoring and adaptive management plan is also required as part of the Voluntary Stewardship Program. While King County has not opted into the Voluntary Stewardship Program, the County should continue to evaluate whether participation in the Voluntary Stewardship Program would be a better tool to address protection of critical areas and agricultural lands.

Commented [EA3]: New lead-in text and new policy calling for adaptive management techniques in managing critical areas on agricultural lands.

E-905 King County should explore adaptive management techniques to protect and enhance critical areas within or adjacent to agricultural activities, such as through enrollment in the Voluntary Stewardship Program, collection of data, and engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.

In Chapter 5, Environment, on page 5-24, after Policy E-334, amend as follows:

E-334a King County should actively communicate and invite consultation with federally-recognized Indian tribes regarding potential impact to species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.

Commented [EA4]: New policy calling for consideration of culturally important species and habitats in County planning, development review, and capital projects.

In Chapter 12, Implementation, Amendments, & Evaluation, on page 12-19, after Action 15: Legacy Business Program, amend as follows:

Action 16: State Environmental Policy Act (SEPA) Categorical Exemptions

King County completes environmental review on project actions consistent with the State Environmental Policy Act (SEPA). As part of House Bill 5290 and efforts to streamline the permit review process, the County

Commented [JN5]: Adds a work plan item related to reviewing SEPA exemption levels

has made efforts to reduce permitting burdens for applicants to meet state law, support infill development, reduce permitting delays, and accelerate the construction of new housing. One consideration for streamlining permit review is reviewing exemptions for when SEPA review is required for certain small developments. Addressing exemptions for projects that are consistent with the Growth Management Act, the King County Comprehensive Plan, and development regulations may facilitate development in King County.

WAC 197-11-800 allows counties to raise their categorical exemption thresholds to a maximum level when a review process is completed. King County will conduct a review of the current thresholds adopted in King County Code against those specified in state law to determine whether exemptions should be raised through a SEPA Categorical Exemption report. The report will analyze two different categorical exemption scenarios that includes the maximum exemption level allowed under state law and a moderate exemption level that is between current adopted levels and the maximum level, and include the following:

- a. An analysis that identifies estimates the number of and types of developments and housing units, and likely location of projects that would be exempt under each scenario;
 - b. Whether elements of the environment are adequately addressed for the development proposed under each exemption scenario;
 - c. What notice and comment opportunities would be available for the public, affected tribes, and agencies for the permitting of developments included in the increased exemption levels;
 - d. Whether existing county practices, available inventories or predictive models, and county development regulations and federal and state laws provide adequate protections for cultural and historic resources when exemption levels under either scenario are raised; and
 - e. Identifying code or policy changes needed to implement raised categorical exemptions identified in a. through d.
- **Deliverables:** The Executive should file with the Council a SEPA Categorical Exemption report and a proposed ordinance implementing the recommendations in the report.
 - **Timeline:** The SEPA Categorical Exemption report and ordinance, if recommended, should be filed with the Council by June 30, 2028.
 - **Lead Agency:** Department of Local Services.

In the Glossary, on page G-10, amend as follows:

Habitat

Habitat is the ((area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space)) the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.

In the Glossary, on page G-25, amend as follows:

Wetland Functions

The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland((s-perform)) functions ((that are grouped into three categories:)) include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5, Environment)

Wetland Values

Values are estimates((-usually subjective;)) of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to ((valuable and beneficial to)) benefit society. Values vary by watershed or ((human)) community. Examples of wetland values include ((E))education, research,

Commented [EA6]: Changes to definitions in the Glossary for consistency with the King County Code.

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Attachment A to Proposed Ordinance 2024-0408
2025 Update to 2024 Comprehensive Plan

118 aesthetics, and recreation ((are examples of other wetland attributes that may be considered values in that
119 they are beneficial to society)).