



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 17, 2018

Ordinance 18767

Proposed No. 2017-0244.2

Sponsors Dembowski

1 AN ORDINANCE relating to permitting and zoning;
2 amending Ordinance 3692, Section 2, as amended, and K.C.C.
3 20.12.200, Ordinance 3688, Section 228, as amended, and
4 K.C.C. 21A.06.738, Ordinance 3688, Section 201, as
5 amended, and K.C.C. 21A.06.913, Ordinance 3688, Section
6 247, as amended, and K.C.C. 21A.06.1082A, Ordinance
7 10870, Section 297, as amended, and K.C.C. 21A.06.1285,
8 Ordinance 10870, Section 317, as amended, and K.C.C.
9 21A.06.1385, Ordinance 15051, Section 137, as amended,
10 and K.C.C. 21A.24.045, Ordinance 10870, Section 454, as
11 amended, and K.C.C. 21A.24.070, Ordinance 10870,
12 Section 467, as amended, and K.C.C. 21A.24.200,
13 Ordinance 3688, Chapter 2 (part), as amended, and K.C.C.
14 21A.25.020, Ordinance 3688, Section 303, as amended,
15 and K.C.C. 21A.25.050, Ordinance 3688, Section 302, as
16 amended, and K.C.C. 21A.25.060, Ordinance 16985,
17 Section 39, as amended, and K.C.C. 21A.25.160,
18 Ordinance 3688, Section 409(4), as amended, and K.C.C.
19 21A.25.180, Ordinance 3688, Section 801, as amended,

20 and K.C.C. 21A.25.290, Ordinance 3688, Section 802, as
21 amended, and K.C.C. 21A.25.300, Ordinance 3688, Section
22 806, as amended, and K.C.C. 21A.25.310 and Ordinance
23 3688, Section 805, as amended, and K.C.C 21A.44.100 and
24 repealing Ordinance 16985, Section 4, as amended, and
25 K.C.C. 20.12.205.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

29 A. The King County shoreline master program consists of the following elements
30 in effect on the effective date of this ordinance:

31 ~~((A.))~~ 1. The King county ~~((shoreline management goals and policies in chapter 5~~
32 ~~of the King County Comprehensive Plan. The shoreline management goals and policies~~
33 ~~constitute the official policy of King County regarding areas of the county subject to~~
34 ~~shoreline management jurisdiction under RCW chapter 90.58; and))~~ Comprehensive Plan
35 chapter six;

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

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

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

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

41 c. K.C.C. 21A.24.055;

42 d, K.C.C. 21A.24.070.A., D. and E.;

- 43 e. K.C.C. 21A.24.125;
- 44 f. K.C.C.21A.24.130;
- 45 g. K.C.C. 21A.24.133;
- 46 h. K.C.C. 21A.24.200;
- 47 i. K.C.C. 21A.24.210;
- 48 j. K.C.C. 21A.24.220;
- 49 k. K.C.C. 21A.24.230;
- 50 l. K.C.C. 21A.24.240;
- 51 m. K.C.C. 21A.24.250;
- 52 n. K.C.C. 21A.24.260;
- 53 o. K.C.C. 21A.24.275;
- 54 p. K.C.C. 21A.24.280;
- 55 q. K.C.C. 21A.24.290;
- 56 r. K.C.C. 21A.24.300;
- 57 s. K.C.C. 21A.24.310;
- 58 t. K.C.C. 21A.24.316;
- 59 u. K.C.C. 21A.24.325;
- 60 v. K.C.C. 21A.24.335;
- 61 w. K.C.C. 21A.24.340;
- 62 x. K.C.C. 21A.24.358;
- 63 y. K.C.C. 21A.24.365;
- 64 z. K.C.C. 21A.24.380;
- 65 aa. K.C.C. 21A.24.382;

- 66 bb. K.C.C. 21A.24.386;
67 cc. K.C.C. 21A.24.388; and
68 4. The following:
69 a. K.C.C. 20.18.040;
70 b. K.C.C. 20.18.050;
71 c. K.C.C. 20.18.056;
72 d. K.C.C. 20.18.057;
73 e. K.C.C. 20.18.058;
74 f. K.C.C. 20.22.160;
75 g. K.C.C. 20.24.510;
76 h. K.C.C. 21A.32.045;
77 i. K.C.C. 21A.44.090;
78 j. K.C.C. 21A.44.100; and
79 k. K.C.C. 21A.50.030.

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

85 C. Amendments to the shoreline master program do not apply to the shoreline
86 jurisdiction until approved by the Washington state Department of Ecology as provided in
87 RCW 90.58.090. The department of permitting and environmental review shall, within ten
88 days after the date of the Department of Ecology's approval, file a copy of the Department

89 of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of
90 the council, who shall retain the paper copy and forward electronic copies to all
91 councilmembers, chief of staff, policy staff director and the lead staff of the planning, rural
92 service and environment committee, or its successor.

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

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

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

99 SECTION 3. Ordinance 3688, Section 201, as amended, and K.C.C. 21A.06.913
100 are each hereby amended to read as follows:

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

104 SECTION 4. Ordinance 3688, Section 247, as amended, and K.C.C.
105 21A.06.1082A are each hereby amended to read as follows:

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

109 SECTION 5. Ordinance 10870, Section 297, as amended, and K.C.C. 21A.06.1285
110 are each hereby amended to read as follows:

111 Trails: human-made pathways, including elevated boardwalks, bridges and stairs,

112 designed and intended for use by pedestrians, bicyclists, equestrians((s)) and other
113 nonmotorized recreational users.

114 SECTION 6. Ordinance 10870, Section 317, as amended, and K.C.C. 21A.06.1385
115 are each hereby amended to read as follows:

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

119 SECTION 7. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045
120 are each hereby amended to read as follows:

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

- 124 1. Critical aquifer recharge area;
- 125 2. Coal mine hazard area;
- 126 3. Erosion hazard area;
- 127 4. Flood hazard area except in the severe channel migration hazard area;
- 128 5. Landslide hazard area under forty percent slope;
- 129 6. Seismic hazard area; and
- 130 7. Volcanic hazard areas.

131 B. Within the following seven critical areas and their buffers, unless allowed as an
132 alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
133 subsection C. of this section are allowed if the alteration complies with conditions in
134 subsection D. of this section and the development standards, impact avoidance and

135 mitigation requirements and other applicable requirements established in this chapter:

- 136 1. Severe channel migration hazard area;
- 137 2. Landslide hazard area over forty percent slope;
- 138 3. Steep slope hazard area;
- 139 4. Wetland;
- 140 5. Aquatic area;
- 141 6. Wildlife habitat conservation area; and
- 142 7. Wildlife habitat network.

143 C. In the following table where an activity is included in more than one activity
 144 category, the numbered conditions applicable to the most specific description of the activity
 145 governs. Where more than one numbered condition appears for a listed activity, each of
 146 the relevant conditions specified for that activity within the given critical area applies. For
 147 alterations involving more than one critical area, compliance with the conditions applicable
 148 to each critical area is required.

(KEY	-LA	-OV	-S	-A	-WE	-BU	-A	-BU	-C	-WIL	-A
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Letter "A" in a cell means alteration is allowed

A number in a cell means the corresponding numbered condition in subsection D. of this section applies

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

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				N	

ACTIVITY					
A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	<u>Landslide Hazard Over 40% and Buffer</u>	<u>Steep Slope Hazard and Buffer</u>	<u>Wetland and Buffer</u>	<u>Aquatic Area and Buffer and Severe Channel Migration</u>	<u>Wildlife Habitat Conservation Area and Wildlife Habitat Network</u>
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4

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Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39

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Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43

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Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water				A 65	

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

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D. The following alteration conditions apply:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.
2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:
 - a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;
 - b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;
 - c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;
 - d. access is located to have the least adverse impact on the critical area and critical area buffer;
 - e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess ((of a development footprint)) of five thousand square feet;

167 f. the alteration is no closer than:

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

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

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

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

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

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

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

186 c. the structure is either:

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

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

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

194 d. all best management practices associated with the structure specified in the
195 farm management plan are installed and maintained;

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

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

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

202 (2) the structure is located where it is least subject to risk from channel
203 migration;

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

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

208 4. No clearing, external construction or other disturbance in a wildlife habitat
209 conservation area is allowed during breeding seasons established under K.C.C.
210 21A.24.382.

211 5. Allowed for structures when:

212 a. the landslide hazard poses little or no risk of injury;

- 213 b. the risk of landsliding is low; and
- 214 c. there is not an expansion of the structure.
- 215 6. Within a severe channel migration hazard area allowed for:
- 216 a. existing legally established primary structures if:
- 217 (1) there is not an increase of the footprint of any existing structure; and
- 218 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 219 and
- 220 b. existing legally established accessory structures if:
- 221 (1) additions to the footprint will not make the total footprint of all existing
- 222 structures more than one-thousand square feet; and
- 223 (2) there is not an expansion of the footprint towards any source of channel
- 224 migration hazard, unless the applicant demonstrates that the location is less subject to risk
- 225 and has less impact on the critical area.
- 226 7. Allowed only in grazed wet meadows or the buffer or building setback outside
- 227 a severe channel migration hazard area if:
- 228 a. the expansion or replacement does not increase the footprint of a
- 229 nonresidential structure;
- 230 b.(1) for a legally established dwelling unit, the expansion or replacement,
- 231 including any expansion of a legally established accessory structure allowed under this
- 232 subsection B.7.b., does not increase the footprint of the dwelling unit and all other
- 233 structures by more than one thousand square feet, not including any expansion of a
- 234 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent
- 235 practical, the replacement or expansion of a drainfield in the buffer should be located

236 within areas of existing lawn or landscaping, unless another location will have a lesser
237 impact on the critical area and its buffer;

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

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

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

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

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

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

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

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

258 8. Allowed upon another portion of an existing impervious surface outside a

259 severe channel migration hazard area if:

260 a. except as otherwise allowed under subsection D.7. of this section, the

261 structure is not located closer to the critical area;

262 b. except as otherwise allowed under subsection D.7. of this section, the existing

263 impervious surface within the critical area or buffer is not expanded; and

264 c. the degraded buffer area is enhanced through removal of nonnative plants and

265 replacement with native vegetation in accordance with an approved landscaping plan.

266 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or

267 its buffer or along a lake shoreline or its buffer where:

268 a. the vegetation where the alteration is proposed does not consist of dominant

269 native wetland herbaceous or woody vegetation six feet in width or greater and the lack of

270 this vegetation is not the result of any violation of law;

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

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

273 d. if located in a freshwater lake, the pier or dock conforms to the standards for

274 docks under K.C.C. 21A.25.180.

275 10. Allowed on type N or O aquatic areas if hazardous substances or toxic

276 materials are not used.

277 11. Allowed on type S or F aquatic areas outside of the severe channel migration

278 hazard area if in compliance with K.C.C. 21A.25.180.

279 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

280 13. Limited to regrading and stabilizing of a slope formed as a result of a legal

281 grading activity.

282 14. The following are allowed in the severe channel migration hazard area if
283 conducted more than one hundred sixty-five feet from the ordinary high water mark in the
284 rural area and natural resource lands and one-hundred fifteen feet from the ordinary high
285 water mark in the urban area:

- 286 a. grading of up to fifty cubic yards on lot less than five acres; and
- 287 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
288 percent of the severe channel migration hazard area.

289 15. Only where erosion or landsliding threatens a structure, utility facility,
290 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
291 practical, stabilization work does not disturb the slope and its vegetative cover and any
292 associated critical areas.

293 16. Allowed when performed by, at the direction of or authorized by a
294 government agency in accordance with regional road maintenance guidelines.

295 17. Allowed when not performed under the direction of a government agency
296 only if:

- 297 a. the maintenance or expansion does not involve the use of herbicides,
298 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or
299 their buffers; and

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

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

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

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

305 damaged bank or channel immediately adjacent to the culvert and shall not involve the
306 excavation of a new sediment trap adjacent to the inlet.

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

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

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

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

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

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

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

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

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

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

325 23. Allowed as follows:

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

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

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

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

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

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

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

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

342 b. impacts to the critical area are minimized to the maximum extent practicable;

343 c. the alterations will not subject the critical area to increased risk of landslide or
344 erosion;

345 d. vegetation removal is the minimum necessary to accommodate the septic
346 system; and

347 e. significant risk of personal injury is eliminated or minimized in the landslide
348 hazard area.

349 25. Only if in compliance with published Washington state Department of Fish
350 and Wildlife and Washington state Department of Natural Resources Management

351 standards for the species. If there are no published Washington state standards, only if in
352 compliance with management standards determined by the county to be consistent with
353 best available science.

354 26. Allowed only if:

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

357 b. the corridor is not located over habitat used for salmonid rearing or spawning
358 or by a species listed as endangered or threatened by the state or federal government unless
359 the department determines that there is no other feasible crossing site.

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

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

362 e. the corridor will not change or diminish the overall aquatic area flow peaks,
363 duration or volume or the flood storage capacity; and

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

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

369 28. Allowed only if:

370 a. an alternative access is not available;

371 b. impact to the critical area is minimized to the maximum extent practical
372 including the use of walls to limit the amount of cut and fill necessary;

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

- 374 d. access is located where it is least subject to risk from channel migration; and
- 375 e. construction occurs during approved periods for instream work.

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

378 30. Allowed only if:

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

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

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

386 a. there is not another feasible alternative available with less impact on the
387 aquatic area and its buffer; and

388 b. to the maximum extent practical, the bridge or culvert is located to minimize
389 impacts to the aquatic area and its buffer's.

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

392 33. Allowed outside the roadway if:

393 a. the alterations will not subject the critical area to an increased risk of landslide
394 or erosion;

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

397 c. significant risk of personal injury is eliminated or minimized in the landslide
398 hazard area.

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

401 a. there is no alternative location with less adverse impact on the critical area and
402 critical area buffer;

403 b. new utility corridors meet the all of the following to the maximum extent
404 practical:

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

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

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

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

412 (1) the width is the minimized;

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

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

418 d. to the maximum extent practical, access for maintenance is at limited access
419 points into the critical area buffer rather than by a parallel maintenance road. If a parallel

420 maintenance road is necessary the following standards are met:

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

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

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

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

428 g. the utility corridor serves multiple purposes and properties to the maximum
429 extent practical;

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

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

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

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

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

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

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

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

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

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

449 38. Allowed if:

450 a. conveying the surface water into the wetland or aquatic area buffer and
451 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
452 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
453 than if the surface water were discharged at the buffer's edge and allowed to naturally drain
454 through the buffer;

455 b. the volume of discharge is minimized through application of low impact
456 development and water quality measures identified in the King County Surface Water
457 Design Manual;

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

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

460 e. the outfall is designed to minimize adverse impacts to critical areas.

461 39. Allowed only if:

462 a. there is no feasible alternative with less impact on the critical area and its
463 buffer;

464 b. to the maximum extent practical, the bridge or culvert is located to minimize
465 impacts to the critical area and its buffer;

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

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

469 e. bridge piers or abutments for bridge crossings are not placed within the
470 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
471 water mark.

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

474 a. fish habitat features necessary for feeding, cover and reproduction are
475 included when appropriate;

476 b. vegetation is maintained and added adjacent to all open channels and ponds, if
477 necessary to prevent erosion, filter out sediments or shade the water; and

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

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

480 a. necessary to avoid erosion of slopes; and

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

482 42. Allowed in a severe channel migration hazard area or an aquatic area buffer to
483 prevent bank erosion only:

484 a. if consistent with the Integrated Streambank Protection Guidelines
485 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
486 techniques are used to the maximum extent practical, unless the applicant demonstrates that
487 other methods provide equivalent structural stabilization and environmental function;

488 b. based on a critical areas report, the department determines that the new flood

489 protection facility will not cause significant impacts to upstream or downstream properties;
490 and

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

492 (1) public roadways;

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

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

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

501 (b) the new primary dwelling units, accessory dwelling units, accessory living
502 quarters or residential accessory structures are located no closer to the aquatic area than
503 existing primary dwelling units, accessory dwelling units, accessory living quarters or
504 residential accessory structures on abutting or adjacent properties; or

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

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

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

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

512 structure and supporting infrastructure cannot be relocated on the lot further from the
513 source of channel migration; and

514 (d) nonstructural measures are not feasible.

515 43. Applies to lawfully established existing structures if:

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

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

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

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

526 e. the site is restored with appropriate native vegetation and erosion protection
527 materials; and

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

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

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

- 535 a. included as part of a project to evaluate, restore or improve habitat, and
536 b. sponsored or cosponsored by a public agency that has natural resource
537 management as a function or by a federally recognized tribe.

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

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

544 a. the trail surface is made of pervious materials, except that public multipurpose
545 trails may be made of impervious materials if they meet all the requirements in K.C.C.
546 chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised
547 boardwalk or bridge;

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

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

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

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

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

557 g. the trail corridor will not change or diminish the overall aquatic area flow

558 peaks, duration or volume or the flood storage capacity.

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

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

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

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

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

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

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

570 48. Only if the maintenance:

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

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

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

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

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

- 581 b. restoration and enhancement plans prepared by a qualified biologist; or
582 c. conducted in accordance with an approved forest management plan, farm
583 management plan or rural stewardship plan.

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

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

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

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

592 b. survey monument placement;

593 c. site exploration and gage installation if performed in accordance with state-
594 approved sampling protocols and accomplished to the maximum extent practical by hand-
595 held equipment and; or similar work associated with an incidental take permit issued under
596 Section 10 of the Endangered Species Act or consultation under Section 7 of the
597 Endangered Species Act.

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

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

603 a. the site is predominantly involved in the practice of agriculture;

604 b. there is no expansion into an area that:

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

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

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

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

615 55. Only allowed in grazed or tilled wet meadows or their buffers if:

616 a. the facilities are designed to the standards of an approved farm management
617 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
618 accordance with K.C.C. chapter 21A.30;

619 b. there is not a feasible alternative location available on the site; and

620 c. the facilities are located close to the outside edge of the buffer to the
621 maximum extent practical.

622 56. Only allowed in: 1) a severe channel migration hazard area located outside of
623 the shorelines jurisdiction area, 2) grazed or tilled wet meadow or wet meadow buffer or 3)
624 aquatic area buffer and only if:

625 a. the applicant demonstrates that adverse impacts to the critical area and critical
626 area buffers have been minimized;

627 b. there is not another feasible location available on the site that is located
628 outside of the critical area or critical area buffer; (~~and~~)

629 c. the farm pad is designed to the standards in an approved farm management
630 plan in accordance with K.C.C. 21A.24.051; and

631 d. for proposals located in the severe channel migration hazard area, the farm
632 pad or livestock manure storage facility is located where it is least subject to risk from
633 channel migration.

634 57. Allowed for new agricultural drainage in compliance with an approved farm
635 management plan in accordance with K.C.C. 21A.24.051 and all best management
636 practices associated with the activities specified in the farm management plan are installed
637 and maintained.

638 58. If the agricultural drainage is used by salmonids, maintenance shall be in
639 compliance with an approved farm management plan in accordance with K.C.C.
640 21A.24.051.

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

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

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

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

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

650 species listed as endangered or threatened by the state or federal government unless the
651 department determines that there is no other feasible crossing site;

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

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

655 (4) the width of clearing is minimized;

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

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

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

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

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

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

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

670 a. is the best flood risk reduction alternative practicable;

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

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

673 d. will have the least adverse impact on the ecological functions of the critical
674 area or its buffer, including habitat for fish and wildlife that are identified for protection in
675 the King County Comprehensive Plan; and

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

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

678 b. Only allowed if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

722 a. not allowed in wildlife habitat conservation areas or severe channel migration
723 hazard areas;

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

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

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

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

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

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

741 (1) the quantity of supporting anchors and connection points to attach the tree

742 house to the tree shall be the minimum necessary to adequately support the structure;

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

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

748 h. exterior lighting shall meet the following criteria:

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

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

753 i. unless otherwise approved by the department, all external construction shall be
754 limited to September 1 through March 1 in order to avoid disturbance to wildlife species
755 during typical breeding, nesting and rearing seasons;

756 j. trail access to the structure shall be designed in accordance with trail standards
757 under subsection D.47. of this section;

758 k. to the maximum extent practical, existing native vegetation shall be left
759 undisturbed. Only minimal hand clearing of vegetation is allowed; and

760 l. vegetated areas within the critical area buffer that are temporarily impacted by
761 construction of the structure shall be restored by planting native vegetation according to a
762 vegetation management plan approved by the department.

763 65. Shoreline water dependent and shoreline water oriented uses are allowed in
764 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.

765 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

766 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
767 21A.08.100B.14., and only as follows:

768 a. there is not another feasible location within the aquatic area with less adverse
769 impact on the critical area and its buffer;

770 b. the facility and corridor is not located over habitat used for salmonid rearing or
771 spawning or by a species listed as endangered or threatened by the state or federal
772 government unless the department determines that there is no other feasible location;

773 c. the facility is not located in Category I wetlands or Category II wetlands with a
774 habitat score 30 points or greater

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

776 e. paralleling the channel or following a down-valley route within an aquatic
777 area buffer is avoided to the maximum extent practical;

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

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

781 h. the facility and corridor is not located within a severe channel migration
782 hazard area;

783 i. to the maximum extent practical, buildings will be located outside the buffer
784 and away from the aquatic area or wetland;

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

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

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

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

795 l. the facility connects to or is an alteration to a public roadway, public trail, a
796 utility corridor or utility facility or other infrastructure owned or operated by a public
797 utility.

798 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
799 21A.08.100.B.14, and only as follows:

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

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

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

805 d. vegetation removal is the minimum necessary to locate the utility or construct
806 the corridor;

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

811 f. the facility connects to or is an alteration to a public roadway, public trail, a
812 utility corridor or utility facility or other infrastructure owned or operated by a public
813 utility.

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

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

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

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

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

825 69. Only for maintenance of agricultural waterways if:

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

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

831 c. the maintenance project complies with the King County agricultural drainage
832 assistance program as agreed to by the Washington state Department of Fish and Wildlife,
833 the department of permitting and environmental review and the department of natural

834 resources and parks, and as reviewed by the Washington state Department of Ecology;

835 d. the person performing the maintenance and the land owner have attended
836 training provided by King County on the King County agricultural drainage assistance
837 program and the best management practices required under that program; and

838 e. the maintenance project complies with K.C.C. chapter 16.82.

839 SECTION 8. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070

840 are each hereby amended to read as follows:

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

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

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

848 b. the proposal minimizes the adverse impact on critical areas to the maximum
849 extent practical;

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

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

855 e. the linear alteration:

856 (1) connects to or is an alteration to a public roadway, regional light rail transit

857 line, public trail, a utility corridor or utility facility or other public infrastructure owned or
858 operated by a public utility; or

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

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

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

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

871 b. the alteration is the minimum necessary to accommodate the development
872 proposal;

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

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

879 e. for dwelling units, no more than five thousand square feet or ten percent of the

880 site, whichever is greater, may be disturbed by structures, building setbacks or other land
881 alteration, including grading, utility installations and landscaping, but not including the area
882 used for a driveway or for an on-site sewage disposal system. When the site disturbance is
883 within a critical area buffer, the building setback line shall be measured from the building
884 footprint to the edge of the approved site disturbance;

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

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

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

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

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

898 1. If the critical area, critical area buffer or critical area setback is outside of the
899 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this
900 subsection without first having applied for an alteration exception under this section if the
901 requested reasonable use exception includes relief from development standards for which
902 an alteration exception cannot be granted under this section. The director shall determine

903 that all of the following criteria are met:

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

905 b. development proposal does not pose an unreasonable threat to the public

906 health, safety or welfare on or off the development proposal site and is consistent with the

907 general purposes of this chapter and the public interest;

908 c. any authorized alteration to the critical area or critical area buffer is the

909 minimum necessary to allow for reasonable use of the property; and

910 d. for dwelling units, no more than five thousand square feet or ten percent of the

911 site, whichever is greater, may be disturbed by structures, building setbacks or other land

912 alteration, including grading, utility installations and landscaping but not including the area

913 used for a driveway or for an on-site sewage disposal system; and

914 2. If the critical area, critical area buffer or critical area setback is located within

915 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a

916 request for a shoreline variance under K.C.C. 21A.44.090.

917 C. For the purpose of this section:

918 1. "Linear" alteration means infrastructure that supports development that is

919 linear in nature and includes public and private roadways, public trails, private driveways,

920 railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and

921 utility facilities; and

922 2. For purposes of subsections A. and B. of this section, areas located within the

923 shoreline jurisdiction that are below the ordinary high water mark shall not be included in

924 calculating the site area.

925 D. Alteration exceptions approved under this section shall meet the mitigation

926 requirements of this chapter.

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

929 SECTION 9. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200
930 are each hereby amended to read as follows:

931 Unless otherwise provided, an applicant shall set buildings and other structures
932 back a distance of fifteen feet from the edges of all critical area buffers or from the edges of
933 all critical areas, if no buffers are required. When the site disturbance is within a critical
934 area buffer, the building setback line shall be measured from the building footprint to the
935 edge of the approved site disturbance. The following are allowed in the building setback
936 area:

937 A. Landscaping;

938 B. Uncovered decks;

939 C. Building overhangs if the overhangs do not extend more than eighteen inches
940 into the setback area;

941 D. Impervious ground surfaces, such as driveways and patios, but the
942 improvements are required to meet any special drainage provisions specified in public rules
943 adopted for the various critical areas;

944 E. Utility service connections as long as the excavation for installation avoids
945 impacts to the buffer; and

946 F. Minor encroachments if adequate protection of the buffer will be maintained.

947 SECTION 10. Ordinance 3688, Chapter 2 (part), as amended, and K.C.C.
948 21A.25.020 are each hereby amended to read as follows:

949 The definitions in K.C.C. chapter 21A.06, chapter 90.58 RCW and chapter 173-
950 26 WAC apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW
951 and chapter 173-26 WAC apply if there is a conflict with the definitions in K.C.C.
952 chapter 21A.06. Other definition sections of the King County Code shall apply where
953 applicable and where not in conflict with the chapters of the RCW and the WAC listed in
954 this section. In addition, the following definitions apply to this chapter unless the context
955 clearly requires otherwise:

956 A. "Development" means any development as defined in chapter 90.58
957 RCW((-)); and

958 B. "Shoreline mixed use" means shoreline development that contains a water-
959 dependent use combined with a water related, water enjoyment or a non-water-oriented
960 use in a single building or on a single site in an integrated development proposal. Water
961 dependent uses must comprise a significant portion of the floor area or site area in a
962 shoreline mixed use development.

963 SECTION 11. Ordinance 3688, Section 303, as amended, and K.C.C.
964 21A.25.050 are each hereby amended to read as follows:

965 A. The King County shoreline jurisdiction consists of:

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

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

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

971 2.a. The shorelands that extend landward in all directions as measured on a

972 horizontal plane for two hundred feet from the ordinary high water mark of the waterbodies
973 identified in subsection A.1. of this section;

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

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

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

982 C. The lakes and segments of rivers and streams constituting the King County
983 shoreline jurisdiction are set forth in Attachment K((-)) to Ordinance 17485. The King
984 County shoreline jurisdiction is shown on a map adopted in chapter ((5)) 6 of the King
985 County Comprehensive Plan. If there is a discrepancy between the map and the criteria
986 established in subsection A. of this section, the criteria shall constitute the official King
987 County shoreline jurisdiction.

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

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

- 993 1. High Intensity shoreline;
- 994 2. Residential shoreline;

- 995 3. Rural shoreline;
- 996 4. Conservancy shoreline;
- 997 5. Resource shoreline;
- 998 6. Forestry shoreline;
- 999 7. Natural shoreline; and
- 1000 8. Aquatic.

1001 B. The shoreline environment designations are included on a map in chapter ~~((5))~~ 6
1002 of the King County Comprehensive Plan. If there is a discrepancy between the map and
1003 the criteria established in chapter ~~((5))~~ 6 of the King County Comprehensive Plan for
1004 shoreline environment designations, the criteria shall constitute the official King County
1005 shoreline environment designation. Any parcel of land included within the shoreline
1006 jurisdiction without a shoreline environment designation shall be considered within the
1007 Conservancy environment.

1008 C. The purpose of each shoreline environment designation is defined as follows:

- 1009 1. The purpose of the High Intensity shoreline is to provide for high intensity
1010 water-oriented commercial and industrial uses;
- 1011 2. The purpose of the Residential shoreline is to accommodate residential and
1012 commercial uses on a scale appropriate with urban residential zones;
- 1013 3. The purpose of the Rural shoreline is to accommodate land uses normally
1014 associated with rural area levels of development while providing appropriate public access
1015 and recreational uses to the maximum extent practicable;
- 1016 4. The purpose of the Conservancy shoreline is to conserve areas that are a high
1017 priority for restoration, include valuable historic properties or provide recreational

1018 opportunities;

1019 5. The purpose of the Resource shoreline is to allow for mining and agricultural
1020 uses on lands that are designated under the Growth Management Act as agricultural land of
1021 long term commercial significance or mineral resource lands;

1022 6. The purpose of the Forestry shoreline is to allow for forestry uses;

1023 7. The purpose of the Natural shoreline is to protect those shoreline areas that are
1024 relatively free of human influence or have high ecological quality. This designation allows
1025 only very low intensity uses in order to maintain the existing high levels of ecological
1026 process and function; and

1027 8. The Aquatic environment is to protect, restore and manage the unique
1028 characteristics and resources of the areas waterward of the ordinary high water mark.

1029 SECTION 13. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160
1030 are each hereby amended to read as follows:

1031 A. The shoreline modification table in this section determines whether a specific
1032 shoreline modification is allowed within each of the shoreline environments. The
1033 shoreline environment is located on the vertical column and the specific use is located on
1034 the horizontal row of the table. The specific modifications are grouped by the shoreline
1035 modification categories in WAC 173-26-231. The table should be interpreted as follows:

1036 1. If the cell is blank in the box at the intersection of the column and the row,
1037 the modification is prohibited in that shoreline environment;

1038 2. If the letter "P" appears in the box at the intersection of the column and the
1039 row, the modification may be allowed within the shoreline environment;

1040 3. If the letter "C" appears in the box at the intersection of the column and the

1041 row, the modification may be allowed within the shoreline environment subject to the
 1042 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

1043 4. If a number appears in the box at the intersection of the column and the row,
 1044 the modification may be allowed subject to the appropriate review process indicated in
 1045 this section and the specific development conditions indicated with the corresponding
 1046 number immediately following the table, and only if the underlying zoning allows the
 1047 modification. If more than one number appears at the intersection of the column and
 1048 row, both numbers apply; and

1049 5. If more than one letter-number combination appears in the box at the
 1050 intersection of the column and the row, the modification is allowed within that shoreline
 1051 environment subject to different sets of limitations or conditions depending on the review
 1052 process indicated by the letter, the specific development conditions indicated in the
 1053 development condition with the corresponding number immediately following the table.

1054 6. A shoreline modification may be allowed in the aquatic environment only if
 1055 that shoreline modification is allowed in the adjacent shoreland environment.

1056 7. This section does not authorize a shoreline modification that is not allowed
 1057 by the underlying zoning, but may add additional restrictions or conditions or prohibit
 1058 specific modifications within the shoreline jurisdiction. All shoreline modifications in
 1059 the shoreline jurisdiction must comply with all relevant county code provisions and with
 1060 the King County Shoreline Master Program.

1061 B. Shoreline modifications.

((KEY-P-Permitted Modification-C-	HIG	RESI	RUR	CON	RES	FOR	NAT	AQU
Shoreline Conditional Use Required-Blank	HIN	DEN	AL	SER	OUR	EST	URA	ATI

-Prohibited. Shoreline modifications are allowed only if the underlying zoning allows the modification. Shoreline modifications are allowed in the aquatic environment only if the adjacent upland environment allows the modification	TEN SITY	TIAL		VAN CY	CE	RY	L	G))
	High Intensit y	Reside ntial	Rural	Conser vancy	Resour ce	Forestr y	Natural	Aquati c
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		<u>P2</u>	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
((Beach and dunes management))								
((Not applicable in King County))								
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

1062

C. Development conditions.

1063

1. New shoreline stabilization, including bulkheads, must meet the standards in

1064 K.C.C. 21A.25.170;

1065 2.a. Flood protection facilities must be consistent with the standards in K.C.C.
1066 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,
1067 2007, and the Integrated Stream Protection Guidelines (Washington state departments of
1068 Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard
1069 protection measures are allowed in the shoreline jurisdiction only when the applicant
1070 demonstrates by a scientific and engineering analysis that the structural measures are
1071 necessary to protect existing development, that nonstructural measures are not feasible
1072 and that the impact on ecological functions and priority species and habitats can be
1073 successfully mitigated so as to assure no net loss of shoreline ecological functions. New
1074 flood protection facilities designed as shoreline stabilization must meet the standards in
1075 K.C.C. 21A.25.170.

1076 b. Relocation, replacement or expansion of existing flood control facilities
1077 within the Natural environment are permitted, subject to the requirements of the King
1078 county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic
1079 Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering
1080 techniques used to the maximum extent practical. New facilities would only be permitted
1081 consistent with an approved watershed resources inventory area (WRIA) salmon recovery
1082 plan under chapter 77.85 RCW.

1083 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the
1084 standards in K.C.C. 21A.25.180;

1085 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

1086 b. A shoreline conditional use permit is required to:

1087 (1) Place fill waterward of the ordinary high water mark for any use except
1088 ecological restoration or for the maintenance and repair of flood protection facilities; and

1089 (2) Dispose of dredged material within shorelands or wetlands within a
1090 channel migration zone;

1091 c. Fill shall not be placed in critical saltwater habitats except when all of the
1092 following conditions are met:

1093 (1) The public's need for the proposal is clearly demonstrated and the
1094 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1095 (2) Avoidance of impacts to critical saltwater habitats by an alternative
1096 alignment or location is not feasible or would result in unreasonable and disproportionate
1097 cost to accomplish the same general purpose;

1098 (3) The project including any required mitigation, will result in no net loss of
1099 ecological functions associated with critical saltwater habitat; and

1100 (4) The project is consistent with the state's interest in resource protection and
1101 species recovery.

1102 d. In a channel migration zone, any filling shall protect shoreline ecological
1103 functions, including channel migration.

1104 5.a. Breakwaters, jetties, groins and weirs:

1105 (1) are only allowed where necessary to support water dependent uses, public
1106 access, approved shoreline stabilization or other public uses, as determined by the
1107 director;

1108 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
1109 habitat restoration project or as an alternative to construction of a shoreline stabilization

1110 structure;

1111 (3) shall not intrude into or over critical saltwater habitats except when all of
1112 the following conditions are met:

1113 (a) the public's need for the structure is clearly demonstrated and the
1114 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1115 (b) avoidance of impacts to critical saltwater habitats by an alternative
1116 alignment or location is not feasible or would result in unreasonable and disproportionate
1117 cost to accomplish the same general purpose;

1118 (c) the project including any required mitigation, will result in no net loss of
1119 ecological functions associated with critical saltwater habitat; and

1120 (d) the project is consistent with the state's interest in resource protection
1121 and species recovery.

1122 b. Groins are only allowed as part of a restoration project sponsored or
1123 cosponsored by a public agency that has natural resource management as a primary
1124 function.

1125 c. A conditional shoreline use permit is required, except for structures installed
1126 to protect or restore shoreline ecological functions.

1127 6. Excavation, dredging and filling must meet the standards in K.C.C.
1128 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
1129 material within shorelands or wetlands within a channel migration zone

1130 7. If the department determines the primary purpose is restoration of the natural
1131 character and ecological functions of the shoreline, a shoreline habitat and natural
1132 systems enhancement project may include shoreline modification of vegetation, removal

1133 of nonnative or invasive plants, shoreline stabilization, including the installation of large
1134 woody debris, dredging and filling. Mitigation actions identified through biological
1135 assessments required by the National Marine Fisheries Services and applied to flood
1136 hazard mitigation projects may include shoreline modifications of vegetation, removal of
1137 nonnative or invasive plants, shoreline stabilization, including the installation of large
1138 woody debris, dredging and filling.

1139 8. Within the critical area and critical area buffer, vegetation removal is subject
1140 to K.C.C. chapter 21A.24.

1141 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
1142 native vegetation located outside of the critical area and critical area buffer shall be
1143 retained to the maximum extent practical. Within the critical area and critical area buffer,
1144 vegetation removal is subject to K.C.C. chapter 21A.24.

1145 SECTION 14. Ordinance 3688, Section 409(4), as amended, and K.C.C.
1146 21A.25.180 are each hereby amended to read as follows:

1147 Any dock, pier, moorage pile or buoy, float or launching facility authorized by
1148 this chapter shall be subject to the following conditions:

1149 A. Docks, piers, moorage piles or buoys, floats or launching facilities are allowed
1150 only for water dependent uses or for public access and shall be limited to the minimize
1151 size necessary to support the use. New private boat launch ramps are not allowed;

1152 B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on
1153 marine waters:

1154 1. Must include an evaluation of the nearshore environment and the potential
1155 impact of the facility on that environment; and

1156 2. Avoid impacts to critical saltwater habitats unless an alternative alignment or
1157 location is not feasible;

1158 C. In the High Intensity, Residential, Rural and Conservancy environments, the
1159 following standards apply:

1160 1. Only one dock, pier, moorage pile or buoy, float or launching facility may be
1161 allowed for a single detached residential lot and only if the applicant demonstrates there
1162 is no feasible practical alternative;

1163 2. For subdivisions or short subdivisions or for multiunit dwelling unit
1164 development proposals:

1165 a. Only one joint use dock, pier, float or launching facility is allowed; and

1166 b. One moorage pile or buoy if a dock, pier, float or launching facility is
1167 allowed or two moorage piles or buoys if a dock, pier, float or launching facility is not
1168 allowed;

1169 3. Only one dock, pier, moorage pile or buoy, float or launching facility is
1170 allowed for each commercial or industrial use; and

1171 4. Multiuser recreational boating facilities serving more than four single
1172 detached residences shall comply with K.C.C. 21A.25.120((-));

1173 D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or
1174 launching facility for a commercial or manufacturing use must be located at least two
1175 hundred fifty feet from another dock or pier;

1176 E. In the Resource and Forestry Shoreline environments, only one dock, pier,
1177 moorage pile or buoy, float or launching facility is permitted and only as an accessory use
1178 to a residential use or to support a resource or forestry use;

1179 F. In the Natural environment, a dock, pier, moorage pile or buoy, float or
 1180 launching facility is prohibited;

1181 G. In freshwater lakes:

1182 1. A new pier, dock or moorage pile for residential uses shall meet the following
 1183 requirements:

New Pier, Dock or Moorage Piles			Dimensional and Design Standards
a.	Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	(1)	480 square feet for single dwelling unit;
		(2)	700 square feet for joint-use facility used by 2 dwelling units;
		(3)	1000 square feet for joint-use facility used by 3 or more dwelling units;
		(4)	These area limitations shall include platform lifts;
		(5)	150 square feet for float for a single dwelling unit; and
		(6)	Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier

			length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.	
b.	Maximum Length for piers, docks, ells, fingers and attached floats	(1)	(A)	On Lake Washington and Lake Sammamish, 150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and
			(B)	On all other freshwater lakes, the shorter of: 80 feet or the point where the water depth is 13 feet below ordinary high water
		(2)		26 feet for ells; and
		(3)		20 feet for fingers and float decking attached to a pier
c.	Maximum Width	(1)		4 feet for pier or dock walkway or ramp;
		(2)		6 feet for ells;
		(3)		2 feet for fingers;
		(4)		6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and
		(5)		For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.
d.	Height of piers and diving boards	(1)		Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float

			decking attached to a pier;
		(2)	Maximum of 3 feet above deck surface for diving boards or similar features;
		(3)	Maximum of 3 feet above deck for safety railing, which shall be an open framework.
e.	Minimum Water Depth for ells and float decking attached to a pier	(1)	Must be in water with depths of 10 feet or greater at the landward end of the float
		(2)	Must be in water with depths of 9 feet or greater at the landward end of the ell or finger
f.	Decking for piers, docks walkways, platform lifts, ells and fingers	(1)	If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 feet of grating down the center of the entire float shall be provided
		(2)	Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material
g.	Location of ells, fingers and deck platforms	(1)	Within 30 feet of the OHWM, only the pier walkway or ramp is allowed
		(2)	No closer than 30 feet waterward of the OHWM, measured

			perpendicular to the OHWM
h.	Pilings and Moorage Piles	(1)	Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.
		(2)	First set of pilings or moorage piles located no closer than 18 feet from OHWM
		(3)	Moorage piles shall not be any farther waterward than the end of the pier or dock
i.	Mitigation		Plantings or other mitigation as provided in subsection L. of this section.

1184 2. On Lake Washington and Lake Sammamish, the department may approve the
 1185 following modifications to a new pier proposal that deviates from the dimensional
 1186 standards of subsection G.1. of this section if both the U.S. Army Corps of Engineers and
 1187 Washington state Department of Fish and Wildlife have approved an alternate project
 1188 design. In addition, the following requirements and all other applicable provisions in this
 1189 chapter shall be met:

	Administrative Approval for Alternative Design of New Pier or Dock	Requirements
a.	State and Federal Agency Approval	U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved proposal

b.	Maximum Area	No larger than authorized through state and federal approval	
c.	Maximum Width	(1)	Except as provided in c.ii. of this subsection, the pier and all components shall meet the standards noted in subsection G.1. of this section.
		(2)	4 feet for portion of pier or dock located within 30 feet of the OHWM; and 6 feet for walkways
d.	Minimum Water Depth	No shallower than authorized through state and federal approval	

1190 3.a. A replacement of an existing pier or dock shall meet the following
 1191 requirements:

	Replacement of Existing Pier or Dock	Requirements	
(1)	Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)	Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.	
(2)	Mitigation	(a)	Existing skirting shall be removed and may

			not be replaced.
		(b)	Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.

1192 b. On Lake Washington and Lake Sammamish, the department may approve the
 1193 following modifications to a pier replacement proposal that deviates from the
 1194 dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of
 1195 Engineers and Washington state Department of Fish and Wildlife have approved an
 1196 alternate project design. With submittal of a building permit, the applicant shall provide
 1197 documentation that the U.S. Army Corps of Engineers, and the Washington state
 1198 Department of Fish and Wildlife have approved the alternative proposal design. In
 1199 addition, the following requirements and all other applicable provisions in this chapter
 1200 shall be met;

Administrative Approval for Alternative Design of Replacement Pier or Dock		Requirements
(1)	State and Federal Agency Approval	U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal
(2)	Maximum Area	No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater

(3)	Maximum Length	26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section
(4)	Maximum Width	(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways
		(b) 8 feet for ells and float decking attached to a pier
		(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide
		(d) Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section
(5)	Minimum Water Depth	No shallower than authorized through state and federal approval

1201 4. Proposals involving the addition to or enlargement of existing piers or docks
 1202 must comply with the requirements in the following table. These provisions shall not be
 1203 used in combination with the provisions for new or replacement piers in subsection G.1.
 1204 or G.3. of this section.

	Addition to Existing Pier or Dock	Requirements	
a.	Addition or enlargement	(1)	Must demonstrate that there are no alternatives with less impact on the shoreline; and
		(2)	Must demonstrate that there is a need for the enlargement of an existing pier or dock and that there are no alternatives

			with less impact on the shoreline Examples of need include, but are not limited to safety concerns or inadequate depth of water
b.	Dimensional standards		Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in subsection G.1. of this section.
c.	Decking for piers, docks walkways, ells and fingers		Must convert an area of decking within 30 feet of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of fifty percent light transmittance through the material
d.	Mitigation	(1)	Existing skirting shall be removed and may not be replaced
		(2)	Existing in-water and overwater structures located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures or pier or dock walkways or piers, shall be removed at a 1:1 ratio to the area of the addition

1205 5.a. Repair proposals that replace only decking or decking substructure and less
 1206 than fifty percent of the existing pier-support piles must comply with the following
 1207 regulations:

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

1208 b. Other repairs to existing legally established moorage facilities where the
 1209 nature of the repair is not described in this subsection shall be considered minor repairs
 1210 and are permitted, consistent with all other applicable codes and regulations. If
 1211 cumulative repairs of an existing pier or dock would make a proposed repair exceed the
 1212 threshold for a replacement pier established in subsection G.3. of this section, the repair
 1213 proposal shall be reviewed under subsection G.1. of this section for a new pier or dock,
 1214 except as described in subsection G.3.b. of this section for administrative approval of
 1215 alternative design((-));

1216 H. Boatlifts, personal watercraft lifts, boatlift canopies and moorage piles may be
 1217 permitted as an accessory to piers and docks, subject to the following regulations:

	Boatlift, Personal Watercraft Lift, Boat	Requirements
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	Canopy and Moorage Piles		
1.	Location	a.	Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM
		b.	Boat lifts are not permitted within the Maury Island Environmental Aquatic Reserve
		c.	The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be a least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier
		d.	Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock
2.	Maximum Number	a.	1 free-standing or deck-mounted boatlift per dwelling unit
		b.	1 personal watercraft lift or 1 fully grated platform lift per dwelling unit
		c.	1 boatlift canopy per dwelling unit, including joint use piers
3.	Canopy Materials	a.	Must be made of translucent fabric materials.
		b.	Must not be constructed of permanent structural material.
4.	Fill for Boatlift	a.	Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:
		b.	May only be used if the substrate prevents the use of

			anchoring devices that can be embedded into the substrate
		c.	Must be clean
		d.	Must consist of rock or precast concrete blocks
		e.	Must only be used to anchor the boatlift
		f.	Minimum amount of fill is used to anchor the boatlift;

1218 I. Moorage buoys shall meet the following conditions:

1219 1. Buoys shall not impede navigation;

1220 2. The use of buoys for moorage of recreational and commercial vessels is
 1221 preferred over pilings or float structures;

1222 3. Buoys shall be located and managed in a manner that minimizes impacts to
 1223 eelgrass and other aquatic vegetation;

1224 4. Preference should be given mid-line float or all-rope line systems that have
 1225 the least impact on marine vegetation;

1226 5. New buoys that would result in a closure of local shellfish beds for future
 1227 harvest shall be prohibited; and

1228 6. No more than four buoys per acre are allowed((-));

1229 J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other
 1230 overwater structure or device shall meet the following setback requirements:

1231 a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use
 1232 shall comply with the following location standards:

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

1233 b. Joint-use structures may abut property lines when the property owners
 1234 sharing the moorage facility have mutually agreed to the structure location in a contract
 1235 recorded with the King County division of records and elections to run with the
 1236 properties. A copy of the contract must accompany an application for a building permit
 1237 or a shoreline permit.

1238 2. An overwater structure may abut property lines for the common use of
 1239 adjacent property owners

1240 K. On marine shorelines, a new, repaired, or replaced pier, dock or float for
 1241 residential uses shall meet the following requirements:

Pier, Dock or Float on		Dimensional and Design Standards
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Marine Waters			
1.	Maximum Area: surface coverage, including all attached float decking and ramps	a.	480 square feet for single dwelling unit;
		b.	700 square feet for joint-use facility used by 2 dwelling units;
		c.	1000 square feet for joint-use facility used by 3 or more dwelling units;
		d.	These area limitations shall include platform lifts; and
		e.	240 square feet for float for a single dwelling unit.
2.	Maximum Width	a.	4 feet for pier or dock for single dwelling unit;
		b.	6 feet for pier or dock for joint use facility; and
		c.	4 feet for ramp connecting to a pier or float
3.	Floats	a.	For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float;
		b.	For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float;
		c.	To the maximum extent practical, floats must be installed with

			the length in the north-south direction;
		d.	If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location;
		e.	Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubs not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris;
		f.	Flotation components shall be installed under the solid portions of the float, not under the grating; and
		g.	If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length.
4.	Float stops	a.	To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations;
		b.	If float stops attached to pilings are not feasible (this must be

			explained in the application), then up to four 10 inch diameter stub pilings can be installed instead;
		c.	Float feet attached to the float may be considered an option only under these circumstances: (1) in coarse substrate with 25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (2) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate;
		d.	For repair or replacement of existing float feet if: (1) substrate contains mostly gravel; and (2) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and
		e.	Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers or float support/stub pilings as follows: (1) For a single-use float, a maximum of 4 piling (not including stub piling) or helical screw or "duckbill" anchors can be installed to hold the float in place. (2) For a joint-use float, a maximum of 8 piling or helical screw or "duckbill" anchors can be installed to hold the float in place. (3) If anchors and anchor lines need to be used, the anchor lines

			shall not rest on the substrate at any time. (4) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted.
5.	Decking for piers, docks walkways, platform lifts, ells and fingers	a.	Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, boards or furniture;
		b.	Grating shall be kept clean of algae, mud or other debris that may impede light transmission;
		c.	Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material;
		d.	Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration;
		e.	Overwater structures shall incorporate as much functional grating as possible. Grating needs to have a minimum of 60% open area; and
		f.	The area of floating boat lifts to be moored at the overwater

			structure shall be included in the float grating calculations.
6.	Pier or dock configuration		Only straight line piers or docks are allowed. Ells, fingers or "T" shaped docks and piers are not allowed.
7.	Pilings and Moorage Piles	a.	Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds;
		b.	Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood. Any piling subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations;
		c.	New piling associated with a new pier must be spaced at least 20 feet apart lengthwise along the structure, unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas shall be spaced at least 40 feet apart;
		d.	If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2 feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must

			be capped with clean, appropriate material. Hydraulic water jets cannot be used to remove piling;
		e.	A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats; and
		f.	Dolphins are not permitted.
8.	Mitigation		Plantings or other mitigation as provided in subsection L. of this section((:));

1242 L. New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat
 1243 canopies and moorage piles or buoys shall comply with the following:

1244 1. Existing habitat features, such as large and small woody debris and substrate
 1245 material, shall be retained and new or expanded moorage facilities placed to avoid
 1246 disturbance of such features;

1247 2. Invasive weeds, such as milfoil, may be removed as provided in K.C.C.
 1248 chapter 21A.24; and

1249 3. In order to mitigate the impacts of new or expanded moorage facilities, the
 1250 applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a
 1251 minimum of ten feet wide along the entire length of the lot immediately landward of
 1252 ordinary high water mark. Planting shall consist of native shrubs and trees and, when
 1253 possible, emergent vegetation. At least five native trees will be included in a planting
 1254 plan containing one or more evergreen trees and two or more trees that like wet roots,
 1255 such as willow species. Such planting shall be monitored for a period of five years
 1256 consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24.

1257 This subsection is not intended to prevent reasonable access through the shoreline critical
1258 area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

1259 M. Except as otherwise provided for covered boat lifts under subsection H. of
1260 this section, covered docks or piers, covered moorages(~~(s)~~) and covered floats(~~(s)~~ ~~and other~~
1261 ~~covered structures~~)) are not permitted waterward of the ordinary high water mark; and

1262 N. No dwelling unit may be constructed on a dock or pier. A water related or
1263 water enjoyment use may be allowed on a dock, pier or other over-water structure only as
1264 part of a mixed-use development and only if accessory to and in support of a water-
1265 dependent use.

1266 SECTION 15. Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290
1267 are each hereby amended to read as follows:

1268 A. Development within the shoreline jurisdiction, including preferred uses and uses
1269 that are exempt from permit requirements, shall be undertaken only if that development is
1270 consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County
1271 shoreline master program and will not result in a net loss of shoreline ecological functions
1272 or in a significant adverse impact to shoreline uses, resources and values, such as
1273 navigation, recreation and public access. The proponent of a shoreline development shall
1274 employ measures to mitigate adverse impacts on shoreline functions and processes
1275 following the sequencing requirements of K.C.C. 21A.25.080.

1276 B. A substantial development permit shall be required for all proposed uses and
1277 modifications within the shoreline jurisdiction unless the proposal is specifically exempt
1278 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040
1279 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of

1280 substantial development, a written statement of exemption is required for any proposed
1281 uses and modifications if:

1282 1. WAC 173-27-050 applies; or

1283 2. Except for the maintenance of agricultural drainage that is not used by
1284 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
1285 modification will occur ((at or below)) waterward of the ordinary high water mark.

1286 C. Whether or not a written statement of exemption is required, all permits issued
1287 for development activities within the shoreline jurisdiction shall include a record of review
1288 indicating compliance with the shoreline master program and regulations.

1289 D. As necessary to ensure consistency of the project with the shoreline master
1290 program and this chapter, the department may attach conditions of approval to a substantial
1291 development permit or a statement of exemption or to the approval of a development
1292 proposal that does not require either.

1293 E. The department may issue a programmatic statement of exemption as follows:

1294 1. For an activity for which a statement of exemption is required, the activity
1295 shall:

1296 a. be repetitive and part of a maintenance program or other similar program;

1297 b. have the same or similar identifiable impacts, as determined by the

1298 department, each time the activity is repeated at all sites covered by the programmatic

1299 statement of exemption; and

1300 c. be suitable to having standard conditions that will apply to any and all sites;

1301 2. The department shall uniformly apply conditions to each activity authorized

1302 under the programmatic statement of exemption at all locations covered by the statement of

1303 exemption. The department may require that the applicant develop and propose the
1304 uniformly applicable conditions as part of the statement of exemption application and may
1305 approve, modify or reject any of the applicant's proposed conditions. The department shall
1306 not issue a programmatic statement of exemption until applicable conditions are developed
1307 and approved;

1308 3. Activities authorized under a programmatic statement of exemption shall be
1309 subject to inspection by the department. The applicant may be required to notify the
1310 department each time work subject to the programmatic statement of exemption is
1311 undertaken for the department to schedule inspections. In addition, the department may
1312 require the applicant to submit periodic status reports. The frequency, method and contents
1313 of the notifications and reports shall be specified as conditions in the programmatic
1314 statement of exemption;

1315 4. The department may require revisions, impose new conditions or otherwise
1316 modify the programmatic statement of exemption or withdraw the programmatic statement
1317 of exemption and require that the applicant apply for a standard statement of exemption, if
1318 the department determines that:

1319 a. The programmatic statement of exemption or activities authorized under the
1320 statement of exemption no longer comply with law;

1321 b. The programmatic statement of exemption does not provide adequate
1322 regulation of the activity;

1323 c. The programmatic statement of exemption conditions or the manner in which
1324 the conditions are implemented are not adequate to protect against the impacts resulting
1325 from the activity; or

1326 d. A site requires site-specific regulation; and

1327 5. If an activity covered by a programmatic statement of exemption also requires
1328 other county, state and federal approvals, to the extent feasible, the department shall
1329 attempt to incorporate conditions that comply with those other approvals into the
1330 programmatic statement of exemption.

1331 F. A statement of exemption is not required for maintenance of agricultural
1332 drainage or agricultural waterways used by salmonids if:

1333 1. The maintenance project is conducted in compliance with a hydraulic project
1334 approval issued by the Washington Department of Fish and Wildlife pursuant to ~~((RCW))~~
1335 chapter 77.55 RCW;

1336 2. The maintenance project complies with the King County agricultural drainage
1337 assistance program as agreed to by the Washington Department of Fish and Wildlife, the
1338 department of permitting and environmental review and the department of natural resources
1339 and parks, and as reviewed by the Washington Department of Ecology;

1340 3. The person performing the agricultural drainage maintenance and the land
1341 owner has attended training provided by King County on the King County agricultural
1342 drainage assistance program and the best management practices required under that
1343 program; ~~((and))~~

1344 4. The maintenance project complies with the requirements of K.C.C. chapter
1345 16.82; and

1346 5. The project is not subject to federal permitting related to the U.S. Army Corps
1347 of Engineers Section 10 or Section 404 permits.

1348 SECTION 16. Ordinance 3688, Section 802, as amended, and K.C.C. 21A.25.300

1349 are each hereby amended to read as follows:

1350 In the case of development subject to the permit requirements of this chapter,
1351 applicants may need to obtain other permits and comply with other nonshoreline King
1352 County regulations. King County shall not issue any other permit for such development
1353 until such time as approval has been granted under this chapter. Any development
1354 subsequently authorized by King County shall be subject to the same terms and conditions
1355 that apply to the development authorized under this chapter.

1356 SECTION 17. Ordinance 3688, Section 806, as amended, and K.C.C. 21A.25.310
1357 are each hereby amended to read as follows:

1358 The review of applications for the expansion, modification, reestablishment or
1359 replacement of a nonconforming use or development shall be in accordance with K.C.C.
1360 chapter 21A.32.

1361 SECTION 18. Ordinance 3688, Section 805, as amended, and K.C.C. 21A.44.100
1362 are each hereby amended to read as follows:

1363 A. A shoreline conditional use shall be granted by the department for conditional
1364 uses identified in K.C.C. ~~((21A.25.130))~~ 21A.25.100 and ~~((21A.25.170))~~ 21A.25.160 as
1365 shoreline conditional uses only if the applicant demonstrates that(~~(;~~

1366 ~~1. T))~~the review criteria of WAC 173-27-160 have been met(~~(; and~~
1367 ~~2. The use will promote or not interfere with public use of surface waters)).~~

1368 B. A shoreline conditional use may be granted by the department for uses not
1369 identified as conditional uses in K.C.C. ~~((21A.25.110))~~ 21A.25.100 and ~~((21A.25.170))~~
1370 21A.25.160 only if the applicant demonstrates that:

1371 1. The criteria in subsection A. of this section have been met;

- 1372 2. The use is not specifically prohibited in the shoreline environment;
1373 3. The use clearly requires specific site location on the shoreline not provided
1374 for under the shoreline master program; and
1375 4. Extraordinary circumstances preclude reasonable use of the property in a
1376 manner consistent with the use regulations of the K.C.C. chapter 21A.25.

1377 C. The burden of proving that a proposed shoreline conditional use meets the
1378 criteria enumerated in this section shall be on the applicant. Absence of ((such)) that proof
1379 shall be grounds for denial of the application.

1380 SECTION 19. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205 are
1381 each hereby repealed.

1382 SECTION 20. In accordance with section 1 of this ordinance and K.C.C.
1383 20.12.200, the executive shall submit this ordinance to the state Department of Ecology
1384 for its approval of the standards as provided in RCW 90.58.090.

1385 SECTION 21. This ordinance takes effect within the shoreline jurisdiction
1386 fourteen days after the Department of Ecology provides written notice of final action
1387 stating that the proposal is approved, in accordance with RCW 90.58.909. The executive
1388 shall provide the written notice of final action to the clerk of the council.

1389 SECTION 22. Severability. If any provision of this ordinance or its application
1390 to any person or circumstance is held invalid, the remainder of the ordinance or the
1391 application of the provision to other persons or circumstances is not affected.

1392

County Council on 7/16/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair



ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 25 day of JULY, 2018.

Dow Constantine, County Executive

2018 JUL 26 PM 3:38
CLERK
KING COUNTY COUNCIL

RECEIVED

Attachments: None