King County

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

December 6, 2012

Ordinance 17485

Proposed No. 2012-0103.4 **Sponsors** Phillips

AN ORDINANCE relating to comprehensive planning and permitting; and amending Ordinance 15556, Section 3, and K.C.C. 4.08.057, Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134, Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050, Ordinance 16985, Section 4, and K.C.C. 20.12.205, Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030, Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170, Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150, Ordinance10870, Section 37, as amended, and K.C.C. 21A.04.160, Ordinance 15051, Section 18, and K.C.C. 21A.06.181G, Ordinance 11621, Section 20, as amended, and K.C.C. 21A.06.182, Ordinance 10870, Section 317, and K.C.C. 21A.06.1385, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance

11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 16267, Section 59, and K.C.C. 21A.24.381, Ordinance 15051, Section 198, and K.C.C. 21A.24.382, Ordinance 15051, Section 199, and K.C.C. 21A.24.383, Ordinance 3688, Section 303, as amended, and K.C.C. 21A.25.050, Ordinance 16985, Section 31, and K.C.C. 21A.25.100, Ordinance 16985, Section 32, and K.C.C. 21A.25.110, Ordinance 16985, Section 39, and K.C.C. 21A.25.160, Ordinance 16985, Section 46, and K.C.C. 21A.25.210, Ordinance 16985, Section 47, and K.C.C. 21A.25.220, Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050, Ordinance 16267, Section 68, and K.C.C. 21A.37.055, Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130, Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140, Ordinance 13733, Section

14, as amended, and K.C.C. 21A.37.150, Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030 and Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020, adding a new section to K.C.C. chapter 21A.24, adding a new section to K.C.C. chapter 21A.38, adding a new section to K.C.C. chapter 21A.42, decodifying K.C.C. 20.12.010 and repealing Ordinance 11621, Section 28, and K.C.C. 21A.06.1177, Ordinance 3688, Section 257, as amended, and K.C.C. 21A.06.1385A and Ordinance 10870, Section 535, and K.C.C. 21A.30.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:** For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

A. King County has adopted the 2008 King County Comprehensive Plan to meet the requirements of the Washington State Growth Management Act ("GMA");

B. The King County Code authorizes a review of the Comprehensive Plan and allows substantive amendments to the Comprehensive Plan once every four years and the King County Comprehensive Plan 2012 amendments represent the fourth major review of the Comprehensive Plan since 1994;

C. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation by the county;

D. The GMA requires that King County adopt development regulations to be consistent with and implement the Comprehensive Plan;

E. The changes to zoning contained in this ordinance are needed to maintain conformity with the King County Comprehensive Plan, as required by the GMA. As such, they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents;

F. The GMA requires King County to take action not later than June 30, 2015, to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the GMA; and

G. King County engages in a comprehensive review of its Comprehensive Plan and development regulations every four years. This ordinance constitutes the conclusion of the county's review process. The 2012 King County Comprehensive Plan and King County's development regulations comply with the requirements of the GMA. The adoption of this ordinance constitutes the action required by the GMA by June 30, 2015.

SECTION 2. A. King County performed its fourth comprehensive four-cycle review of the Comprehensive Plan in 2012. As a result of the review, King County amended the 2008 Comprehensive Plan through passage of the King County Comprehensive Plan 2012.

B. The amendments to the King County Comprehensive Plan 2008 contained in Attachments A, B, C, D, E, F and G to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to this ordinance amends the policies, text and maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment A to this ordinance are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A to this ordinance.

Attachment B to this ordinance contains Technical Appendix A (Capital Facilities), which replaces Technical Appendix A to the King County Comprehensive Plan 2008. Attachment C to this ordinance contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2008. Attachment D to this ordinance contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan 2008. Attachment E to this ordinance contains the transportation needs report, which replaces the transportation needs report in Technical Appendix C to the King County Comprehensive Plan 2008. Attachment F to this ordinance contains Technical Appendix D (Growth Targets and the Urban Growth Area 2012). Attachment G to this ordinance contains Technical Appendix P: Summary of Public Outreach for Development of the 2012 King County Comprehensive Plan Update. Attachment I to this ordinance is hereby adopted as an amendment of the Fall City Subarea Plan, which was adopted as a subarea plan of the King County Comprehensive Plan in Attachment A to Ordinance 13875. Attachment J to this ordinance contains Technical Appendix Q (King County School Siting Task Force report dated March 31, 2012).

SECTION 3. Ordinance 15556, Section 3, and K.C.C. 4.08.057 are each hereby amended to read as follows:

A. There is hereby created the Climate Exchange fund, classified as a special revenue fund, for the purpose of accounting for any revenue generated by the sale of carbon credits and other emission credits, and the expenditures incurred for the purchase of carbon credits or other emission credits, in accordance with the rules of ((~~the Chicago Climate Exchange or other~~)) emissions trading programs in which the county may

participate. Carbon credits include but are not limited to those credits sold or purchased through the Chicago Climate Exchange. This fund may also be used for the purpose of accounting for the sale or purchase of other emission credits as the county may develop.

B. Any financial benefit that accrues to the county from ((~~its participation in the Chicago Climate Exchange~~)) the sale of carbon or other emissions credits shall be appropriately invested in actions that either reduce ((~~carbon~~)) emissions or address global warming impacts, or both.

C. The office of performance, strategy and budget shall be the fund manager for the Climate Exchange fund.

D. For investment purposes, the Climate Exchange fund shall be considered a first tier fund.

SECTION 4. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134 are each hereby amended to read as follows:

A. Except as otherwise provided in this subsection B. of this section, sewer service is prohibited in the rural and natural resource areas.

B. Sewer service ((~~shall~~)) may be expanded to serve uses in the rural and natural resource areas only if:

1. ((~~t~~))The facilities are:

((~~1.~~)) a. ((~~N~~))needed to address:

((~~a.~~)) i. ((~~S~~))specific health and safety problems threatening the ((~~existing uses~~)) use of existing structures; or

((~~b. The needs of public school systems with design daily average flows of more than three thousand five hundred gallons per day; and~~)) ii. to serve a new school

authorized to be located in the RA zone by King County comprehensive plan policies; and

((~~2.~~)) b. ((~~T~~))tightlined; and

((~~3.~~)) 2. A finding is made by the utilities technical review committee that no cost-effective alternative technologies are feasible ((~~and that an on-site sewer disposal system for the public school or public school facility would not protect basic public health, safety, and the environment during the use of this site for a school or school facility~~)).

((~~B.~~))C. Decisions on sewer service expansions in rural or resource areas shall be made by King County in the form of approval of a sewer comprehensive plan or approval of an amendment to a sewer comprehensive plan.

SECTION 5. K.C.C. 20.12.010 is hereby decodified.

SECTION 6. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are each hereby amended to read as follows:

Zoning adopted pursuant to this section shall constitute official zoning for all of unincorporated King County.

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in ((~~the SITUS file~~)) geographic information system data layers maintained by King County and is depicted on the official zoning maps, as maintained by the department of ((~~development and environmental services~~)) permitting and environmental review. In case of a discrepancy between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the department of ((~~development and environmental services~~)) permitting and environmental review in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or hereafter amended.

C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 and as amended by Ordinance 15028, is hereby adopted to constitute and contain special district overlays applied through Ordinance 12824. The special district overlays in effect or hereinafter amended shall be maintained by the department of ((~~development and environmental services~~)) permitting and environmental review in the Special District Overlay Application Maps notebook. Any adoption, amendment or repeal of special district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as currently in effect or hereafter amended.

SECTION 7. Ordinance 16985, Section 4, and K.C.C. 20.12.205 are each hereby amended to read as follows:

The following King County Code sections in effect as of ((~~December 10, 2010~~)) the effective date of this ordinance, are adopted as land use and development regulations within the shoreline jurisdiction:

A. The following sections within K.C.C. Title 20:

1. K.C.C. 20.18.040;

2. K.C.C. 20.18.050;

3. K.C.C. 20.18.056;

4. K.C.C. 20.18.057;

5. K.C.C. 20.18.058; and

6. K.C.C. 20.24.510.

B. The following sections within K.C.C. Title 21A:

1. ((~~K.C.C. 21A.06.358;~~

~~2.~~)) K.C.C. 21A.06.118;

((~~3.~~)) 2. K.C.C. 21A.06.156;

((~~4.~~)) 3. K.C.C. 21A.06.181;

4. K.C.C. 21A.06.181E;

5. K.C.C. 21A.06.181G;

6. K.C.C. 21A.06.182;

7. K.C.C. 21A.06.333A;

((~~5.~~)) 8. K.C.C. 21A.06.401;

((~~6.~~)) 9. K.C.C. 21A.06.469;

((~~7.~~)) 10. K.C.C. 21A.06.573;

((~~8.~~)) 11. K.C.C. 21A.06.653;

((~~9.~~)) 12. K.C.C. 21A.06.738;

((~~10. K.C.C. 21A.06.118;~~

~~11.~~)) 13. K.C.C. 21A.06.796;

((~~12.~~)) 14. K.C.C. 21A.06.796A;

15. K.C.C. 21A.06.825;

((~~13.~~)) 16. K.C.C. 21A.06.892;

((~~14.~~)) 17. K.C.C. 21A.06.913;

((~~15.~~)) 18. K.C.C. 21A.06.971;

((~~16.~~)) 19. K.C.C. 21A.06.1081;

((~~17.~~)) 20. K.C.C. 21A.06.1082A;

((~~18.~~)) 21. K.C.C. 21A.06.1082B;

((~~19.~~)) 22. K.C.C. 21A.06.1082C;

((~~20.~~)) 23. K.C.C. 21A.06.1082D;

((~~21.~~)) 24. K.C.C. 21A.06.1083;

((~~22.~~)) 25. K.C.C. 21A.06.1083A;

((~~23.~~)) 26. K.C.C. 21A.06.1268;

((~~24.~~)) 27. K.C.C. ((~~21A.06.1385A~~)) 21A.06.1385;

((~~25.~~)) 28. K.C.C. 21A.06.1386;

((~~26.~~)) 29. K.C.C. 21A.06.1388;

((~~27.~~)) 30. K.C.C. 21A.06.1389;

((~~28.~~)) 31. K.C.C. 21A.24.045;

((~~29.~~)) 32. K.C.C. 21A.24.051;

((~~30.~~)) 33. K.C.C. 21A.24.055;

((~~31.~~)) 34. K.C.C. 21A.24.070A., D. and E.;

((~~32.~~)) 35. K.C.C. 21A.24.125;

((~~33.~~)) 36. K.C.C. 21A.24.130;

((~~34.~~)) 37. K.C.C. 21A.24.133;

((~~35.~~)) 38. K.C.C. 21A.24.200;

((~~36.~~)) 39. K.C.C. 21A.24.210;

((~~37.~~)) 40. K.C.C. 21A.24.220;

41. K.C.C. 21A.24.230;

((~~38~~)) 42. K.C.C. 21A.24.240;

((~~39.~~)) 43. K.C.C. 21A.24.250;

((~~40.~~)) 44. K.C.C. 21A.24.260;

((~~41.~~)) 45. K.C.C. 21A.24.275;

((~~42.~~)) 46. K.C.C. 21A.24.280;

((~~43.~~)) 47. K.C.C. 21A.24.290;

((~~44.~~)) 48. K.C.C. 21A.24.300;

((~~45.~~)) 49. K.C.C. 21A.24.310;

((~~46.~~)) 50. K.C.C. 21A.24.316;

((~~47.~~)) 51. K.C.C. 21A.24.325;

((~~48.~~)) 52. K.C.C. 21A.24.335;

((~~49.~~)) 53. K.C.C. 21A.24.340;

((~~50.~~)) 54. K.C.C. 21A.24.358;

((~~51.~~)) 55. K.C.C. 21A.24.365;

((~~52.~~)) 56. K.C.C. 21A.24.380;

((~~53.~~)) 57. K.C.C. 21A.24.382;

((~~54.~~)) 58. K.C.C. 21A.24.386;

((~~55.~~)) 59. K.C.C. 21A.24.388;

((~~56.~~)) 60. K.C.C. 21A.32.045;

((~~57.~~)) 61. K.C.C. 21A.50.030;

((~~58. K.C.C. 21A.06.182;~~

~~59. K.C.C. 21A.06.825;~~)) and

((~~60.~~)) 62. K.C.C. chapter 21A.25.

C. Amendments to the land use and development regulations included in subsections A. and B. of this section must be approved by the Washington state Department of Ecology before they become land use and development regulations within the shoreline jurisdiction.

SECTION 8. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030 are each hereby amended to read as follows:

A. The King County Comprehensive Plan shall be amended in accordance with this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies;

2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;

3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area; ((~~or~~))

4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget; or

5. The adoption or amendment of a shoreline master program under chapter 90.58 RCW.

B. Every year the Comprehensive Plan may be amended to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language, changes to the priority areas map, or changes to the urban growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section. This review may be referred to as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to consider the following:

1. Technical amendments to policy, text, maps or shoreline designations;

2. The annual capital improvement plan;

3. The transportation needs report;

4. School capital facility plans;

5. Changes required to implement ((~~an amendment to~~)) a ((~~joint interlocal/development agreement in existence on January 1, 2008, between King County, another local government and one or more private parties, only if the amendment to the joint interlocal/development agreement includes a provision to agreement to alter the urban growth area boundary to add areas to the urban growth area, requires that an area four times the area that is added to the urban growth area be permanently designated as park or open space and requires the transfer of development rights on terms as provided in the amendment~~)) mining site conversion demonstration project. The demonstration project shall evaluate and address:

a. potential options for the use of a reclaimed mine site, including the feasibility of residential use and/or long-term forestry on the demonstration project site;

b. the impacts to carbon sequestration as a result of reforestation, and for residential use, the impacts to carbon sequestration when implementing modified standards for lot clustering or transfer of development rights;

c. the need for a site design that compatibly integrates any proposed residential development on the demonstration project site with uses occurring on the adjacent rural or forest production district lands, especially if the proposed residential development utilizes modified standards for lot clustering and/or transfer of development rights;

d. the levels and standards for reclamation of mining sites that are appropriate to their use either for long-term forestry and/or for residential development; and

e. the need to ensure that the demonstration project provides an overall public benefit by providing permanent protection, as designated park or open space, of lands in the vicinity of the demonstration project site that form the headwaters of critical, high-valued habitat areas; or that remove the development potential from nonconforming legal parcels in the forest production district; or that provide linkages with other forest production district lands;

6. Changes required by existing Comprehensive Plan policies;

7. Changes to the technical appendices and any amendments required thereby;

8. Comprehensive updates of subarea plans initiated by motion;

9. Changes required by amendments to the countywide planning policies or state law;

10. Redesignation proposals under the four-to-one program as provided for in this chapter;

11. Amendments necessary for the conservation of threatened and endangered species; and

12. Site-specific comprehensive land use map amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors.

C. Every fourth year beginning in 2000, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area (UGA). This comprehensive review shall begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data, substantive changes to the Comprehensive Plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The executive shall determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive shall seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by SEPA. The public, including unincorporated area councils, shall be afforded at least one official opportunity to record public comment before to the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in comprehensive plan policy RP-307 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the comprehensive plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments."

SECTION 9. Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170 are each hereby amended to read as follows:

A. ((~~Proposals for open space dedication and redesignation to the urban growth area must be received before December 31, 2011.~~

~~B.~~)) The total area added to the urban growth area as a result of this program shall not exceed four thousand acres. The department shall keep a cumulative total for all parcels added under this section. The total shall be updated annually through the plan amendment process.

((~~C.~~)) B. Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in either the annual or four-year cycle. Site suitability and development conditions for both the urban and rural portions of the proposal shall be established through the preliminary formal plat approval process.

((~~D.~~)) C. A term conservation easement shall be placed on the open space at the time the four to one proposal is approved by the council. Upon final plat approval, the open space shall be permanently dedicated in fee simple to King County.

((~~E.~~)) D. Proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations.

SECTION 10. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180 are each hereby amended to read as follows:

Rural area land may be added to the urban growth area in accordance with the following criteria:

A. A proposal to add land to the urban growth area under this program shall meet the following criteria:

1. A permanent dedication to the King County open space system of four acres of open space is required for every one acre of land added to the urban growth area;

2. The land shall not be zoned agriculture (A);

3. The land added to the urban growth area shall:

a. be physically contiguous to urban growth area as adopted in 1994, unless the director determines that the land directly adjacent to the urban growth area contains critical areas that would be substantially harmed by development directly adjacent to the urban growth area and that all other criteria can be met; and

b. not be in an area where a contiguous band of public open space, parks or watersheds already exists along the urban growth area boundary;

4. The land added to the urban growth area shall be able to be served by sewers and other urban services;

5. A road serving the land added to the urban area shall not be counted as part of the required open space;

6. All urban facilities shall be provided directly from the urban area and shall not cross the open space or rural area and be located in the urban area except as permitted in subsection E of this section;

7. Open space areas shall retain a rural designation;

8. The minimum depth of the open space buffer shall be one half of the property width, unless the director determines that a smaller buffer of no less than two hundred feet is warranted due to the topography and critical areas on the site, shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

9. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum;

10. Urban development under this section shall be limited to residential development and shall be at a minimum density of four dwelling units per acre; and

11. The land to be retained in open space is not needed for any facilities necessary to support the urban development; and

B. A proposal that adds two hundred acres or more to the urban growth area shall also meet the following criteria:

1. The proposal shall include a mix of housing types including thirty percent below-market-rate units affordable to low, moderate and median income households;

2. In a proposal in which the thirty-percent requirement in subsection B.1 of this section is exceeded, the required open space dedication shall be reduced to three and one-half acres of open space for every one acre added to the urban growth area;

C. A proposal that adds less than two hundred acres to the urban growth area and that meets the affordable housing criteria in subsection B.1. of this section shall be subject to a reduced open space dedication requirement of three and one-half acres of open space for every one acre added to the urban growth area;

D. Requests for redesignation shall be evaluated to determine those that are the highest quality, including, but not limited to, consideration of the following:

1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and habitat for endangered and threatened species;

2. Provision of regional open space connections;

3. Protection of wetlands, stream corridors, ground water and water bodies;

4. Preservation of unique natural, biological, cultural, historical, or archeological resources;

5. The size of open space dedication and connection to other open space dedications along the urban growth area boundary; and

6. The ability to provide extensions of urban services to the redesignated urban areas; and

E. The open space acquired through this program shall be preserved primarily as natural areas, passive recreation sites, or resource lands for farming and forestry. The

following additional uses may be allowed only if located on a small portion of the open space and provided that these uses are found to be compatible with the site's natural open space values and functions:

1. Trails;

2. ((~~Natural appearing stormwater facilities;~~

~~3.~~)) Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter 21A.24; and

((~~4.~~)) 3. Active recreation uses not to exceed five percent of the total open space area. The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property.

SECTION 11. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are each hereby amended to read as follows:

A. The department shall not commence review of any application as provided in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except

as provided in K.C.C. 20.20.040.B, all land use permit applications described in K.C.C. 20.20.020 Exhibit A shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating who the applicant is submitted to the department before permit approval;

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by the Seattle-King County department of public health, as required by the King County ((~~b~~))Board of ((~~h~~))Health ((~~e~~))Code ((~~t~~))Title 13: or

b. If allowed under K.C.C. 13.24.134.B. and King County Comprehensive Plan policies for a public school((~~s and public schools facilities~~)) located ((~~in rural areas, a~~

~~finding by King County that no cost-effective alternative technologies are feasible~~)) on a RA zoned site, a certificate of sewer availability((,)) and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by the Seattle-King County department of public health;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;

8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

9. A completed environmental checklist, if required by K.C.C. chapter 20.44;

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27;

11. A list of any permits or decisions applicable to the development proposal that have been obtained before filing the application or that are pending before the county or any other governmental entity;

12. Certificate of transportation concurrency from the department of transportation if required by K.C.C. chapter 14.70. The certificate of transportation concurrency may be for less than the total number of lots proposed by a preliminary plat application only if:

a. at least seventy-five percent of the lots proposed have a certificate of transportation concurrency at the time of application for the preliminary plat;

b. a certificate of transportation concurrency is provided for any remaining lots proposed for the preliminary plat application before the expiration of the preliminary plat and final recording of the additional lots; and

c. the applicant signs a statement that the applicant assumes the risk that the remaining lots proposed might not be granted.

13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area that are proposed to be served by on-site or community sewage system and group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

15. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 21A to the extent known at the date of application; and

18. For site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

B. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

C. Additional complete application requirements for the following land use permits are in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060.

2. Construction permits, K.C.C. 16.04.052.

3. Mobile home permits, K.C.C. 16.04.093.

4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C. 19A.08.150.

D. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

E. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 12. Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150 are each hereby amended to read as follows:

The purpose of the property-specific development standards designation (-P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of this title have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval. Property-specific development standards are adopted in either a reclassification or area zoning ordinance and are shown in ((~~the SITUS file~~)) a geographic information system data layer for an individual property maintained by the department. Regardless of the form in which a property-specific development standard is adopted, the P-suffix shall be shown on the official zoning map maintained by the department and as a notation ((~~on the SITUS file~~)) in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P-suffix standard.

SECTION 13. Ordinance10870, Section 37, as amended, and K.C.C. 21A.04.160 are each hereby amended to read as follows:

The purpose of the special district overlay designation (-SO suffix to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Regardless of the form in which a special district overlay is adopted, the -SO suffix shall be shown on the official zoning map maintained by the department and as a notation ((~~on the SITUS file~~)) in a

geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting an overlay.

SECTION 14. Ordinance 15051, Section 18, and K.C.C. 21A.06.181G are each hereby amended to read as follows:

Channel migration hazard area, severe: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, ((~~that includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate as determined in the technical report, is the basis for each Channel Migration Zone map~~)) in which there is a higher level of channel migration hazard due to a high likelihood of continued, progressive bank erosion, rapid shifting of channel location or other imminent channel changes.

SECTION 15. Ordinance 11621, Section 20, as amended, and K.C.C. 21A.06.182 are each hereby amended to read as follows:

Channel migration zone: ((~~those areas within the lateral extent of likely stream channel movement that are subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion and shifts in the location of stream channels~~)) the area along a river channel within which the channel can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings, as follows:

A. In areas located outside King County's shoreline jurisdiction, channel migration zones are as shown on King County's Channel Migration Zone maps. In those

areas, "channel migration zone" means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area;

B. In areas located in King County's shoreline jurisdiction, the channel migration zone includes:

1. Areas shown on King County's Channel Migration zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area; and

2. Areas not shown on King County's Channel Migration Zone maps but located within the floodplain((;

~~C. "Channel migration zone" does not include areas that lie behind an arterial road, a public road serving as a sole access route, a state or federal highway or a railroad; and~~

~~D. "Channel migration zone" may exclude areas that lie behind a lawfully established flood protection facility that is likely to be maintained by existing programs for public maintenance consistent with designation and classification criteria specified by public rule. When a natural geologic feature affects channel migration, the channel migration zone width will consider such natural constraints~~)).

SECTION 16. Ordinance 10870, Section 317, and K.C.C. 21A.06.1385 are each hereby amended to read as follows:

Water dependent use: a ((~~land~~)) use ((~~which can only exist when the interface between wet meadows, grazed land and water provides the biological or physical conditions necessary for the use~~)) or portion of a use that cannot exist in a location that is

not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

NEW SECTION. SECTION 17. A new section is added to K.C.C. chapter 21A.24 to read as follows:

A. The department and the department of natural resources and parks, by public rule, shall adopt:

1. Criteria for channel migration designation, classification and mapping, taking into consideration, at a minimum, Washington state department of ecology channel migration zone mapping guidelines; and

2. Channel migration zone studies and channel migration zone maps.

B. The channel migration zone and its component channel migration hazard areas shall be delineated in a channel migration zone study that is the basis for each channel migration zone map.

C. The channel migration zone study:

1. Shall evaluate evidence of historical channel locations and movement, basin-scale physical characteristics, current channel conditions and other relevant factors in order to delineate the channel migration zone;

2. Shall include the present channel within the channel migration zone;

3. Shall determine the extent of channel migration hazard areas within the channel migration zone; and

4. May exclude areas from the channel migration zone that lie behind a lawfully established flood protection structure that is maintained by existing programs for public maintenance, transportation infrastructure, or other constructed feature if it is built above

the elevation of the one hundred-year flood or if scientific or technical information otherwise demonstrate that the flood protection structure is not within the channel migration zone.

SECTION 18. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

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

1. Critical aquifer recharge area((;));
2. Coal mine hazard area;
3. Erosion hazard area;
4. Flood hazard area except in the severe channel migration hazard area;
5. Landslide hazard area under forty percent slope;
6. Seismic hazard area; and
7. Volcanic hazard areas.

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

1. Severe channel migration hazard area;
2. Landslide hazard area over forty percent slope;
3. Steep slope hazard area;

4. Wetland;

5. Aquatic area;

6. Wildlife habitat conservation area; and

7. Wildlife habitat network.

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

KEY	LANDSLIDE HAZARD AREA	STEEP SLOPE AND BUFFER	WETLAND AND BUFFER	AQUATIC AREA BUFFER	WILDLIFE HABITAT CONSERVATION AREA	WILDLIFE HABITAT NETWORK
Letter "A" in a cell means alteration is allowed						
A number in a cell means the						

corresponding numbered condition in subsection D. applies					
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network					
ACTIVITY					
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
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, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A22	A22	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					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
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
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
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 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
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
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 or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance 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
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 oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for	A 59	A 59	A 59	A 59	A 59

personal consumption					
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

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 ((A))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 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;

f. the alteration is no closer than:

(1) on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet ((~~of~~)) or the average of the setbacks on

adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;

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

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

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

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

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

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

c. the structure is either:

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

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

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

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

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

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

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

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

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

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

4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for structures when:

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

b. the risk of landsliding is low; and

c. there is not an expansion of the structure.

6. Within a severe channel migration hazard area allowed for:

a. existing legally established primary structures if:

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

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

b. existing legally established accessory structures if:

(1) additions to the footprint will not make the total footprint of all existing structures more than one-thousand square feet; and

(2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:

a. the expansion or replacement does not increase the footprint of a nonresidential structure;

b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located

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

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

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

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

c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception; ((~~and~~))

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.

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

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

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

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

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

b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.

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

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

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

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

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

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

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

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

19. The limited trimming and pruning of vegetation for the making and maintenance of view corridors or habitat enhancement under a vegetation management plan approved by the department, if the soils are not disturbed and the activity will not adversely affect the long term slope stability or water quality or cause erosion. The vegetation management plan shall use native species with adequate root strength to add stability to a steep slope.

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

21. Cutting of firewood is subject to the following:

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

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

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

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

23. Allowed as follows:

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

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

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

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

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

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

24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

a. a forest management plan is approved for the site by the King County department of natural resources and parks; and

b. the property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years.

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

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

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

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

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

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

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

e. construction occurs during approved periods for instream work.

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

30. Allowed only if:

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

b. the site is restored with appropriate native vegetation.

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

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

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

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

33. Allowed outside the roadway if:

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

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

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

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

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

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

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

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

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

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

(1) the width is the minimized;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38. Allowed if:

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

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

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

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

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

39. Allowed only if:

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

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

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

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

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

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

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

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

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

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

a. necessary to avoid erosion of slopes; and

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

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

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical areas report, the department determines that the new flood protection facility will not cause significant impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

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

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

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

48. Only if the maintenance:

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

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

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

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

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

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

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

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

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

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

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

b. survey monument placement;

c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit

issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

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

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

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

b. there is no expansion into an area that:

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

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

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

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

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

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

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

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

56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer if:

a. located outside the shoreline jurisdiction;

b. the facilities are designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051;

((~~b.~~)) c. there is not a feasible alternative location available on the site; and

((~~c.~~)) d. the structure is located where it is least subject to risk from channel migration.

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

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

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

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

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

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

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

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

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

(4) the width of clearing is minimized;

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

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

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

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

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

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

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

a. is the best flood risk reduction alternative practicable;

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

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

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

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

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

b. Only allowed if:

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

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

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

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

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

(6) the project meets the following design criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. all construction materials for the structure, including the platform, pilings, exterior and interior walls and roof, shall be constructed of nontoxic material, such as

nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;

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

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

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

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

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

h. exterior lighting shall meet the following criteria:

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

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

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

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

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

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

65. Shoreline water dependent and shoreline water oriented uses are allowed in the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

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

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

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

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

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

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

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

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

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

h. To the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;

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

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

2. the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

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

k. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility; and

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

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

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

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

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

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

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

SECTION 19. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are each hereby amended to read as follows:

A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with

this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.

B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for dairy nutrient management, livestock management, horticulture management, site development and agricultural drainage.

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

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;

2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner;

3. To the maximum extent practical in accordance with the site specific goals of the landowner, maintain and enhance natural hydrologic systems on the site;

4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;

2. Consider the priorities of the King County shoreline protection and restoration plan; and

3. Ensure no net loss of shoreline ecological functions.

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

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm management plan if adverse impacts occur; and

6. Documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

((~~F.~~)) G. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection D. and consistent with subsection E. of this section.

((~~G.~~)) H. Once approved, activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of development and environmental services shall first inform the department of natural resources and parks of the activity. Prior to taking code enforcement action, the department of development and environmental services shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan."

SECTION 20. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:

A. General services land uses.

KEY	RESOURCE	R U R A L	RESIDENTIAL	COMMERCIAL/INDUSTRIAL

P-Permitted Use C-Conditional Use S-Special Use	ZONE	AGRICULTURE	FOREST	MINERAL	RURAL AREA	URBAN RESERVE	URBAN RESIDENTIAL		NB NEIGHBORHOOD BUSINESS	CB COMMUNITY BUSINESS	RB REGIONAL BUSINESS	O OFFICE	I INDUSTRIAL
SIC#	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R12-48**	**NB**	**CB**	**RB**	**O**	**I**
	PERSONAL SERVICES:												
72	General Personal Service						C25 C37	C25 (([~~C37~~])) C37	P	P	P	P3	P3
7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9	P9			P10	P10	P10		P

					C10 and 31	C10							
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	P33			P32 P33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C						
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	HEALTH												

	SERVICES:												
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13 a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	EDUCATION SERVICES:												
*	Elementary School				((~~P15 and 31~~)) P39 P40	P	P	P		P16((e)) P40	P16(e)) P40	P16(e)) P40	
*	Middle/Junior High School				((~~P16 C15~~)) P40 C39 and 31	P	P	P		P16((e)) C40	P16((e)) C40	P16((e)) C40	
*	Secondary or High School				((~~P16 C15 and 26~~)) C39 and	P26	P26	P26		P16((e)) C15	P16((e)) C15	P16((e))	

					31 C41 and 31								
*	Vocational School				((~~P13 a C31~~))	P13a C	P13a C	P13a C			P15	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				((~~P16 C15 and 23 and 31~~))	P23 C	P23 C	P23 C	C15	P15	P15	P15	P15
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.											

B. Development conditions.

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:

a. 835-Day Care Services, and

b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.

3. Limited to SIC Industry Group and Industry Nos.:

a. 723-Beauty Shops;

b. 724-Barber Shops;

c. 725-Shoe Repair Shops and Shoeshine Parlors;

d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

e. 217-Carpet and Upholstery Cleaning.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.

6. Only as accessory to residential use, and:

a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and

b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.

7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C. 21A.08.060.A.

8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:

a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;

b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;

c. Direct access to a developed arterial street shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding development.

9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space for the kennel or office space for the cattery, and:

(1) Boarding or overnight stay of animals is allowed only on sites of five acres or more;

(2) No burning of refuse or dead animals is allowed;

(3) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

(4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

b. The following additional provisions apply to kennels or catteries in the A zone:

(1) Impervious surface for the kennel or cattery shall not exceed twelve thousand square feet;

(2) Obedience training classes are not allowed except as provided in subsection B.34. of this section; and

(3) Any buildings or structures used for housing animals and any outdoor runs shall be set back one hundred and fifty feet from property lines.

10.a. No burning of refuse or dead animals is allowed;

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed.

12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

13.a. Except as otherwise provided in 13.b of this subsection, only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

b. Allowed for a social service agency on a site in the NB zone that serves transitional or low-income housing located within three hundred feet of the site on which the social service agency is located.

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

15. If located outside of the urban growth area, ((~~L~~))limited to projects that ((~~do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school district support facility and serving only the public school or the school district support facility may be used. New public high schools shall be permitted subject to the review process in K.C.C. 21A.42.140~~)) are of a size and scale designed to primarily serve the rural area and shall be located within a rural town.

16.((~~a. For middle or junior high schools and secondary or high schools or school district support facilities, only as a reuse of a public school or school district support facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school district support facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school district support facility may be used.~~

~~b. Renovation, expansion, modernization or reconstruction of a school, a school district support facility, or the addition of relocatable facilities, is permitted but shall not require or result in an expansion of sewer service outside the urban growth area,~~

~~unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school district support facility may be used.~~

~~e.~~)) If located outside of the urban growth area, shall be designed to primarily serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

a. Students shall be limited to twelve per one-hour session;

b. Except as provided in subsection c. of this subsection, all instruction must be within an enclosed structure;

c. Outdoor instruction may be allowed on properties at least two and one-half acres in size. Any outdoor activity must comply with the requirements for setbacks in K.C.C. chapter 21A.12; and

d. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining residential zones.

20. Subject to the following:

a. Structures used for the school and accessory uses shall maintain a minimum distance of twenty-five feet from property lines adjoining residential zones;

b. On lots over two and one-half acres:

(1) Retail sale of items related to the instructional courses is permitted, if total floor area for retail sales is limited to two thousand square feet;

(2) Sale of food prepared in the instructional courses is permitted with Seattle-King County department of public health approval, if total floor area for food sales is limited to one thousand square feet and is located in the same structure as the school; and

(3) Other incidental student-supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and

c. On sites over ten acres, located in a designated Rural Town and zoned any one or more of UR, R-1 and R-4:

(1) Retail sale of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to two thousand square feet;

(2) Sale of food prepared in the instructional courses is permitted with Seattle-King County department of public health approval, if total floor area for food sales is limited to one thousand seven hundred fifty square feet and is located in the same structure as the school;

(3) Other incidental student-supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;

(4) The use shall be integrated with allowable agricultural uses on the site;

(5) Advertised special events shall comply with the temporary use requirements of this chapter; and

(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than fifty percent of their prior value, may reconstruct and expand an additional sixty-five percent of the original floor area but need not be approved as a

conditional use if their use otherwise complies with development condition B.20.c. of this section and this title.

21. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

22. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

23. Only if adjacent to an existing or proposed school.

24. Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

25. Not permitted in R-1 and limited to a maximum of five thousand square feet per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

26.a. New high schools ((~~shall be~~)) permitted in the rural and the urban residential and urban reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

27. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.

28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32 or as a joint use of an existing public school facility.

29. All studio use must be within an enclosed structure.

30. Adult use facilities shall be prohibited within six hundred sixty feet of any rural area and residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

31. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

32. Limited to repair of sports and recreation equipment:

a. as accessory to a large active recreation and multiuse park in the urban growth area; or

b. as accessory to a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor area of seven hundred fifty square feet.

33. Accessory to agricultural or forestry uses provided:

a. the repair of tools and machinery is limited to those necessary for the operation of a farm or forest.

b. the lot is at least five acres.

c. the size of the total repair use is limited to one percent of the lot size up to a maximum of five thousand square feet unless located in a farm structure, including but not limited to barns, existing as of December 31, 2003.

34. Subject to the following:

a. the lot is at least five acres;

b. in the A zones, area used for dog training shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within

the already developed portion of such agricultural lands that are not available for direct agricultural production or areas without prime agricultural soils;

c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet from property lines; (([~~and~~])) and

d. all training activities shall be conducted within fenced areas or in indoor facilities. Fences must be sufficient to contain the dogs.

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

b. buildings used to house rescued animals shall be no less than fifty feet from property lines;

c. outdoor animal enclosure areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the animals;

d. the facility shall be operated by a nonprofit organization registered under the Internal Revenue Code as a 501(c)(3) organization; and

e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

36. Limited to kennel-free dog boarding and daycare facilities, and:

a. the property shall be at least four and one-half acres;

b. buildings housing dogs shall be no less than seventy-five feet from property lines;

c. outdoor exercise areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the dogs;

d. the number of dogs allowed on the property at any one time shall be limited to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

e. training and grooming are ancillary services that may be provided only to dogs staying at the facility; and

f. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

37. Not permitted in R-1 and subject to the additional requirements in K.C.C. 21A.12.250.

38. Driver training is limited to driver training schools licensed under chapter 46.82 RCW.

39. A school may be located outside of the urban growth area only if allowed under King County Comprehensive Plan policies.

40. Only as a reuse of an existing public school.

41. A high school may be allowed as a reuse of an existing public school if allowed under King County Comprehensive Plan policies.

SECTION 21. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are each hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment ((~~A to Ordinance 16267~~)) H to this ordinance, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170.

SECTION 22. Ordinance 16267, Section 59, and K.C.C. 21A.24.381 are each hereby amended to read as follows:

To ensure that agriculture will remain the predominate use in the agriculture production district, the department shall only approve an aquatic habitat restoration project, a floodplain restoration project or a project under the mitigation reserves program that is proposed for a site located within ((~~the~~)) an agricultural production district((s)), as follows:

A. The project shall be allowed only when supported by owners of the land where the proposed project is to be sited;

B. Except as provided in subsection C. of this section, ((~~T~~))the project shall be located on ((~~agricultural~~)) lands that the department of natural resources and parks determines((~~:~~

~~1.a. A~~))are unsuitable for direct agricultural production purposes, such as portions of property that have not historically been farmed due to soil conditions or frequent flooding and that it determines cannot be returned to productivity by drainage maintenance; ((~~or~~)) and

((~~b. The proposed project would result in a net benefit to agricultural productivity in the agricultural production district;~~

~~2. The project will not reduce the ability to farm in the area; and~~

~~3. Agriculture will remain the predominant use in the agricultural production district;~~

~~B.~~)) C. If the project is located on land determined by the department of natural resources and parks to be suitable for direct agriculture, then:

1. The applicant shall demonstrate to the satisfaction of the department that there are no ((~~other suitable land outside the agricultural production district~~)) unsuitable

lands available within the agricultural production district that ((~~is available for the project~~)) meet the technical or locational requirements of the project;

2. The applicant shall demonstrate to the satisfaction of the department of natural resources and parks that the project will not reduce the ability to farm in the area and that agriculture will remain the predominate use in the agricultural production district; and

((~~C. The department shall hold a public meeting to solicit input from the property owners affected by the project; and~~

~~D. The department shall determine that the project:~~

~~1.~~)) 3. The project ((~~is~~)) must either:

a. be included in, or be consistent with, an approved Water Resources Inventory Area Plan, Farm Management Plan, Flood Hazard Management Plan((~~,~~)) or other ((~~King County functional~~)) similar watershed scale plan; or

((~~2. Based on the recommendation of the department of natural resources and parks, the project would improve~~))

b. not reduce the baseline agricultural productivity within the agricultural production((~~s~~)) district.

SECTION 23. Ordinance 15051, Section 198, and K.C.C. 21A.24.382 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

2. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders or other heavy equipment, may not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;

D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-mile radius around an active nest;

E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-thousand-five-hundred-foot radius around an active nest located outside of the urban growth area;

F. For an osprey:

1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius around an active nest; and

2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;

G. For a peregrine falcon:

1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff;

2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws or heavy machinery, are not allowed within one-half mile of the eyrie; and

3. New power lines may not be constructed within one-thousand feet of the eyrie;

H. For a spotted owl, the wildlife habitat conservation area is an area with a three-thousand-seven-hundred-foot radius from an active nest;

I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony

2. Between November 1 and March 31, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the urban growth area serving as a winter hibernacula;

3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed;

4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry; and

5. A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine;

J. For a Vaux's swift:

1. The wildlife habitat conservation area is an area with a three-hundred-foot radius around an active nest located outside of the urban growth areas;

2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest; and

K. ((~~For a red-tailed hawk:~~

~~1. The wildlife habitat conservation area is an area with a radius of three-hundred twenty-five feet from an active nest located outside of the urban growth area;~~ ~~and~~

~~2. Between March 1 and July 31, clearing and grading is not allowed within six hundred sixty feet of an active nest located outside of the urban growth area;~~

~~L.~~)) The department shall require protection of an active breeding site of any ((~~species~~)) federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections B. through ((~~K.~~)) J. of this section ((~~whose habitat is identified as requiring protection in the King County~~

~~Comprehensive Plan~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science((~~; and~~

~~M. In the area designated rural in the King County Comprehensive Plan, the department shall require an applicant to protect the active breeding site of any species whose habitat the king County Comprehensive Plan directs that the county should protect. The applicant shall protect the breeding site from destruction or other direct disturbance while it is occupied. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science~~)).

SECTION 24. Ordinance 15051, Section 199, and K.C.C. 21A.24.383 are each hereby amended to read as follows:

Upon request of the applicant and based upon a site-specific critical areas report that includes, but is not limited to, an evaluation of the tolerance of the animals occupying the nest or rookery to the existing level of development in the vicinity of the nest or rookery, the department may approve a reduction of the wildlife habitat conservation area for the following species:

A. Bald eagle;

B. ((~~Goshawk;~~

~~C.~~)) Great blue heron; and

((~~D.~~)) C. Osprey((~~;~~

~~E. Peregrine falcon; and~~

~~F. Red-tailed hawk~~)).

SECTION 25. Ordinance 3688, Section 303, as amended, and K.C.C. 21A.25.050 are each hereby amended to read as follows:

A. The King County shoreline jurisdiction consists of:

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

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

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

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

b. the one hundred year floodplain and contiguous floodplain areas landward two hundred feet from the one-hundred year floodplain; and

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

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

C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment K to this ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter 5 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction.

SECTION 26. Ordinance 16985, Section 31, and K.C.C. 21A.25.100 are each hereby amended to read as follows:

A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 25.32.050, as recodified by this ordinance.

4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply.

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in accordance with each letter-number combination.

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

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction must comply with all relevant county code provisions and with the King County Shoreline Master Program.

B. **Shoreline uses**

KEY P - Permitted Use. **C** - Shoreline Conditional Use. **Blank** - Prohibited. Shoreline	HIGHINLAND	RESIDENTIAL	RURAL	CONSERVANCY	RESOURCE	FOREST	NATURAL	AQUATIC

uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use	T E N S I T Y	N T I A L		V A N C Y	C E	R Y	L	C
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture								
Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)	P2	P2	P2	P2	P2	P2	P2	P2
Commercial salmon net pens	C2	C2	C2	C2	C2	C2		C2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611,	P6							

automotive parking and off-street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13

In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Townhouse, apartment, mobile home park, cottage	P23	P			P			

housing (K.C.C. 21A.08.030)								
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								

Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	P30							

C. Development conditions:

1. ((~~Only low intensity agriculture is allowed i~~))In the Natural environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary

high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, limited to aquaculture activities that do not require structures, facilities or mechanized harvest practices and that will not alter the natural character of the site or alter natural systems or features.

3.a. New marinas are not allowed along the east shore of Maury Island, from Piner Point to Point Robinson.

b. Marinas must meet the standards in K.C.C. 21A.25.120.

4. Water dependent general services land uses in K.C.C. 21A.08.050 are allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water.

5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are allowed.

b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Non-water-oriented general services land uses must provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

((~~i.~~)) (1) economic development for water-dependent uses ((~~that are water-dependent~~));

((~~ii.~~)) (2) public access;

((~~iii.~~)) (3) water-oriented recreation;

((~~iv. multimodal transportation circulation;~~

~~v.~~)) (4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; ((~~or~~)) and

((~~vi.~~)) (5) ((~~preservation~~)) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business services uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business services uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the non-water-dependent retail use supports a water-dependent use. Non-water-dependent uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Non-water-oriented retail uses must provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

((~~i.~~)) (1) economic development for water-dependent uses ((~~that are water-dependent~~));

((~~ii.~~)) (2) public access;

((~~iii.~~)) (3) water-oriented recreation;

((~~iv. multimodal transportation circulation;~~

~~v.~~)) (4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and

((~~vi. preservation~~)) (5) protection and restoration of historic properties.

8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

a. economic development for water-dependent uses ((~~that are water-dependent~~));

b. public access;

c. water-oriented recreation;

d. ((~~multimodal transportation circulation;~~

~~e.~~)) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and

((~~f. preservation~~)) e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

b. Non-water-dependent government services in K.C.C. 21A.08.060 are only allowed as part of a shoreline mixed-use development if the non-water-dependent government use supports a water-dependent use. Non-water-dependent uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the Natural environment.

10. The following standards apply to government services uses within the Aquatic environment:

a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;

b. Water intakes shall not be located near fish spawning, migratory or rearing areas. Water intakes must adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;

c. Desalinization facilities shall not be located near fish spawning, migratory or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and must adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone;

d. Cable crossings for telecommunications and power lines shall:

(1) be routed around or drilled below aquatic critical habitat or species;

(2) be installed in sites free of vegetation, as determined by physical or video seabed survey;

(3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

(4) use the best available technology;

e. Oil, gas, water and other pipelines shall meet the same standards as cable crossings and in addition:

(1) pipelines must be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and

(2) use the best available technology for operation and maintenance;

f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

11. ((~~Only low intensity forestry is allowed i~~))In the Natural environment, ((~~and all forestry~~)) limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices must meet the standards in K.C.C. 21A.25.130.

12. Manufacturing uses in the shoreline environment must give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:

a. Non-water-oriented manufacturing uses are allowed only:

(1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;

(2) on sites where navigability is severely limited; or

(3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and

(4) all non-water-oriented manufacturing uses must also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation or water-dependent public education;

b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;

c. shall be located, designed and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values.

d. restoration is required for all new manufacturing uses;

e. boat repair facilities are not permitted within the Maury Island Aquatic Reserve, except as follows:

(1) engine repair or maintenance conducted within the engine space without vessel haul-out;

(2) topside cleaning, detailing and bright work;

(3) electronics servicing and maintenance;

(4) marine sanitation device servicing and maintenance that does not require haul-out;

(5) vessel rigging; and

(6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline.

13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if:

a. there is no feasible alternate location;

b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and

c. the use complies with the standards in K.C.C. 25.16.160, as recodified by this ordinance.

15. Limited to in-stream infrastructure, such as bridges, and must consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:

a. must meet the standards in K.C.C. chapter 21A.22;

b. must be dependent upon a shoreline location;

c. must avoid and mitigate adverse impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;

d. must provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;

e. may be allowed within the active channel of a river only as follows:

((~~i.~~)) (1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

((~~ii.~~)) (2) the mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and

((~~iii.~~)) (3) if no review has been previously conducted under this subsection C.17.e., prior to renewing, extending or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the

requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

f. Must comply with K.C.C. 21A.25.190.

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the High Intensity environment and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

19. Water-dependent and water-enjoyment recreational uses are allowed in the Residential, Rural and Forestry environments and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the Conservancy environment, only the following recreation uses are allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the Natural environment, only passive and low-impact recreational uses are allowed.

22. Single detached dwelling units must be located outside of the aquatic area buffer and set back from the ordinary high water mark to the maximum extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction.

24. Residential accessory uses must meet the following standards:

a. docks, piers, moorage, buoys, floats or launching facilities must meet the standards in K.C.C. 21A.25.180;

b. residential accessory structures located within the aquatic area buffer shall be limited to a total footprint of one-hundred fifty square feet; and

c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical.

25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the Natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION 27. Ordinance 16985, Section 32, and K.C.C. 21A.25.110 are each hereby amended to read as follows:

An applicant for an aquaculture facility must use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting or other similar mechanisms, shall not be permitted in areas where the proposal would adversely impact critical saltwater habitats.

D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes or that would result in a net loss of shoreline ecological functions shall be prohibited.

E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses.

F. Aquaculture facilities shall be designed, located and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species.

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standard and to the minimum extent needed for the health of the aquaculture activity.

H. ((~~Commercial salmon net pen facilities shall not be located in King County waters. These do not include subsistence~~)) Noncommercial salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County waters if they are:

1. subsistence salmon net pens operated by tribes with treaty fishing rights; ((~~or~~))

2. for the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or

3. ((~~when~~)) implemented as mitigation for a development activity((~~, but only when such activities involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section~~)).

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate.

K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property

as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies.

L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities.

M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington Department of Health. This prohibition does not apply to: Pacific, Olympia, Kumomoto, Belon or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County.

O. For aquaculture projects, over-water structures shall be allowed only if necessary for the immediate and regular operation of the facility. Over-water structures shall be limited to the, storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark.

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

S. Fish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:

1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent with the recommendations in the Washington state Department of Natural Resources Maury Island Environmental Aquatic Reserve Final Management Plan (October 29, 2004);

2. Fish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail;

3. Fish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the Shoreline Master Program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program;

5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing; and

6. In the event of a significant fish kill at the site of a net pen facility, the fin fish aquaculture operator shall submit a timely report to Public Health - Seattle-King County, Environmental Health Division and the department stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements.

U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribes through the permit review process.

V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23.

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens shall meet the following criteria and requirements:

1. Each commercial salmon net pen application shall provide a current, peer-reviewed science review of environmental issues related to salmon net pen aquaculture;

2. The department shall only approve a commercial salmon net pen application if the department determines the scientific review demonstrates that the project construction and activities will achieve no net loss of ecological function in a manner that has no significant adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat

for native salmonids, water quality, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Commercial salmon net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Commercial salmon net pens shall not be located:

a. within three hundred feet of an area containing eelgrass or a kelp bed;

b. within one thousand five hundred feet of an ordinary high water mark; or

c. in a designated Washington state Department of Natural Resources aquatic reserve.

6. A commercial salmon net pen may not be used to mitigate the impact of a development proposal; and

7. The conditional use permit for commercial salmon net pen must be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the salmon net pen during the previous five years.

SECTION 28. Ordinance 16985, Section 39, and K.C.C. 21A.25.160 are each hereby amended to read as follows:

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

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

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

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

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

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review

process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table.

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

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

B. Shoreline modifications.

KEY P - Permitted Modification. **C** - Shoreline Conditional Use Required. **Blank** - 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	HIGHINTENSITY	RESIDENTIAL	RURAL	CONSERVANCY	RESOURCE	FOREST	NATURAL	AQUATIC
	P	P	P	P	P	P	P	P

Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2			P2
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

C. Development conditions.

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

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

flood protection facilities designed as shoreline stabilization must meet the standards in K.C.C. 21A.25.170.

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

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

b. A shoreline conditional use permit is required to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 29. Ordinance 16985, Section 46, and K.C.C. 21A.25.210 are each hereby amended to read as follows:

The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

A. ((~~In the Conservancy, Resource, Forestry or Natural shoreline environments, a shoreline conditional use permit is required;~~

~~B.~~)) If the proposed expansion will result in a total cumulative expansion of the dwelling unit and accessory structures of more than one thousand square feet, a shoreline variance is required; and

((~~C.~~)) B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed.

SECTION 30. Ordinance 16985, Section 47, and K.C.C. 21A.25.220 are each hereby amended to read as follows:

A. The shoreline dimensions table in subsections B. and C. of this section establishes the shoreline standards within each of the shoreline environments. The shoreline environment is located on the vertical column and the density and dimensions standard is located on the horizontal row of the table. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the standards are the same as for the underlying zoning.

2. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that shoreline environment.

3. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions immediately following the table that are related to the density and dimension standard for that environment.

B. The dimensions enumerated in this section apply within the shoreline jurisdiction. If there is a conflict between the dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive shall apply.

Shoreline dimensions.

	HIGHINTENSITY	RESIDENTIAL	RURAL	CONSERVANCY	RESOURCE	FORESTRY	NATURAL	AQUATIC
Standards								
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)
Maximum density (units per acre)	6 (4)	6 (4)						
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres	
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet	
Impervious surface				10%				

				(3)				

C. Development conditions.

1. This height can be exceeded consistent with the base height for the zone only if the structure will not obstruct the view of a substantial number of residences on areas adjoining the shoreline or if overriding considerations of the public interest will be served, and only for:

a. agricultural buildings;

b. water dependent uses and water related uses; and

c. regional light rail transit support structures, but no more than is reasonably necessary to address the engineering, operational, environmental issues at the location of the structure;

2. The minimum lot areas may be reduced as follows:

a. to no less than 10,000 square feet or the minimum lot areas for the zone, whichever is greater, through lot averaging; and

b. when public access is provided, to no less than 8,000 square feet, or the minimum lot area for the zone, whichever is greater, through cluster development, as provided in K.C.C. chapter 21A.14.

3. For lots created before the effective date of this section*, if achieving the ten percent maximum impervious surface limit is not feasible, the amount of impervious surface shall be limited to the maximum extent practical but not to exceed the amount of impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040.

4. Except for a mixed use development, the density of the underlying zoning or 6 units per acre, whichever is lower. A mixed use development may have the density of the underlying zone.

SECTION 31. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030 are each hereby amended to read as follows:

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsection D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The sites may also be within potential annexation areas established under the countywide planning policies; or

2. Cities where new growth is or will be encouraged under the Growth Management Act and the countywide planning policies and where facilities and services exist or where public investments in facilities and services will be made, or

3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that meet the criteria listed in this subsection A.3. may receive development rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

a. must be eligible to be served by domestic Group A public water service;

b. must be located within one-quarter mile of an existing predominant pattern of rural lots smaller than five acres in size;

c. must not adversely impact regionally or locally significant resource areas or critical areas;

d. must not require public services and facilities to be extended to create or encourage a new pattern of smaller lots;

e. must not be located within rural forest focus areas; and

f. must not be located on Vashon Island or Maury Island.

B. Except as provided in this chapter, development of an unincorporated King County receiving site shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040.

D. Property located within the outer boundaries of the Noise Remedy Areas as identified by the Seattle-Tacoma International Airport may not accept development rights.

E. Property located within the ((~~shorelands, as defined in RCW 90.58.020,~~)) shoreline jurisdiction or located on Vashon Island or Maury Island may not accept development rights.

SECTION 32. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the

sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C. 21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the

department of permitting and environmental review shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated on additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR ((~~certificate letter of intent and~~)) qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid unless conditions on the sending

site property that would affect the number of development rights the sending site has available for transfer have changed.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

SECTION 33. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050 are each hereby amended to read as follows:

A. Following the transfer of residential development rights, a sending site may subsequently accommodate remaining residential dwelling units, if any, on the buildable portion of the parcel or parcels or be subdivided, consistent with the zoned base density provisions of the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County development regulations. Any remaining residential dwelling units and associated accessory units shall be located in a single and contiguous reserved residential area that shall be adjacent to any existing development or roadways on the property. The reserved residential area shall be equal to the acreage associated with the minimum lot size of the zone for each remaining residential dwelling unit. For sending sites zoned RA, the subdivision potential remaining after a density transfer may only be actualized through a clustered subdivision, short subdivision or binding site plan that creates a permanent preservation tract as large or larger than the portion of the subdivision set aside as lots.

Within rural forest focus areas, resource use tracts shall be at least fifteen acres of contiguous forest land.

B. Only those nonresidential uses directly related to, and supportive of the criteria under which the site qualified are allowed on a sending site.

C. The applicable limitations in this section shall be included in the sending site conservation easement.

SECTION 34. Ordinance 16267, Section 68, and K.C.C. 21A.37.055 are each hereby amended to read as follows:

An urban receiving site that purchases rural TDRs may include the reduced transportation-related greenhouse gas emissions that ((~~are estimated to~~)) the department of natural resources and parks estimates will result from the TDR in calculating the receiving site's greenhouse gas emissions.

SECTION 35. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. Prior to issuing a certificate for transferable development rights to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights that have been removed from the property and shall place a notice on the title of the sending site. The department of permitting and environmental review, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency and that meets the requirements of K.C.C. 21A.37.050 shall be

required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify ((~~in~~)) limitations in perpetuity on future residential and nonresidential development consistent with this chapter, as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a rural sending site the conservation easement shall allow for restoration, maintenance, or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance, or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or

future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall serve as a present conditions report documenting the baseline conditions of the property and shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 36. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of permitting and environmental review and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a ((~~written~~)) TDR qualification report, which shall be signed

by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The qualification report ((~~committee~~)) shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;

2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with subsection A. of section 19 of this ordinance; and

3. Be issued ((~~a TDR certification letter~~)) within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;

2. A title report;

3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;

5. Assessors map or maps of the lot or lots;

6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:

a. a wildlife habitat conservation plan;

b. a wildlife habitat restoration plan; or

c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 37. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR ((~~certificate letter of intent~~)) qualification report, agreeing to issue a

TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the county, the sending site owner may market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR ((~~certificate letter of intent~~)) qualification report may be transferred to the new owner if requested in writing to the department of natural resources and parks by the person or persons that owned the property when the TDR ((~~certificate letter of intent~~)) qualification report was issued, ((~~provided that the~~)) if documents evidencing the transfer of ownership are also provided to the department of natural resources and parks;

2. In applying for receiving site approval, the applicant shall provide the department of permitting and environmental review with one of the following:

a. a TDR ((~~certificate letter of intent~~)) qualification report issued in the name of the applicant,

b. a TDR ((~~certificate letter of intent~~)) qualification report issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,

c. a TDR certificate issued in the name of the applicant, or

d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of permitting and environmental review or following preliminary plat

approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor agency.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 38. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are each hereby amended to read as follows:

The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest production district as designated in the King County Comprehensive Plan. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION 39. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are each hereby amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR

((~~certificate letter of intent~~)) qualification report the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. If a conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR ((~~certificate letter of intent~~)) qualification report, any development rights generated by encumbering the sending site with the conservation easement may be issued to the TDR bank so long as there is no additional cost for the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights and as amenity funds to facilitate interlocal TDR agreements with cities in King

County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 40. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are each hereby amended to read as follows:

A. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

C. The TDR bank may sell development rights only in whole or half increments to incorporated receiving sites through an interlocal agreement or, after the county enacts legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a city that has enacted legislation that complies with chapter 365-198 WAC. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten percent down payment with purchase option, shall include the number of

development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than three years after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 41. Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140 are each hereby amended to read as follows:

A. For development rights sold by the TDR bank to be used in incorporated receiving site areas, the county and the affected city or cities must ((~~first~~)) either have executed an interlocal agreement and the city or cities must have enacted appropriate legislation to implement the program for the receiving area or the county and the affected city or cities must each have enacted legislation that complies with chapter 365-198 WAC.

B.1. At a minimum, each interlocal agreement shall:

a. shall describe the legislation that the receiving jurisdiction adopted or will adopt to allow the use of development rights((,));

b. shall identify the receiving area((,));

c. shall require the execution of a TDR extinguishment document in conformance with K.C.C. 21A.37.080((,)); and

d. ((~~should~~)) shall address the conversion ratio to be used in the receiving site area.

2. If the city is to receive any amenity funds, the interlocal agreement shall set forth the amount of funding and the amenities to be provided in accordance with K.C.C. 21A.37.150I. Such an interlocal agreement may also indicate that a priority should be given by the county to acquiring development rights from sending sites in specified geographic areas. If a city has a particular interest in the preservation of land in a rural or resource area or in the specific conditions on which it will be preserved, then the interlocal agreement may provide for periodic inspection or special terms in the conservation easement to be recorded against the sending site as a pre acquisition condition to purchases of development rights within specified areas by the TDR bank.

C. A TDR conversion ratio for development rights purchased from a sending site and transferred to an incorporated receiving site area may express the amount of additional development rights in terms of any combination of units, floor area, height or other applicable development standards that may be modified by the city to provide incentives for the purchase of development rights.

SECTION 42. Ordinance 13733, Section 14, as amended, and K.C.C. 21A.37.150 are each hereby amended to read as follows:

A. Expenditures by the county for amenities to facilitate development rights sales shall be authorized by the TDR executive board during review of proposed interlocal agreements, and should be roughly proportionate to the value and number of development rights anticipated to be accepted in an incorporated receiving site pursuant to the controlling interlocal agreement, or in the unincorporated urban area, in accordance with K.C.C. 21A.37.040.

B. The county shall not expend funds on TDR amenities in a city before execution of an interlocal agreement, except that:

1. The executive board may authorize up to twelve thousand dollars be spent by the county on TDR amenities before a development rights transfer for use at a receiving site or for the execution of an interlocal agreement if the TDR executive board recommends that the funds be spent based on a finding that the expenditure will expedite a proposed transfer of development rights or facilitate acceptance of a proposed transfer of development rights by the community around a proposed or established receiving site area;

2. King County may distribute the funds directly to a city if a scope of work, schedule and budget governing the use of the funds is mutually agreed to in writing by King County and the affected city. Such an agreement need not be in the form of an interlocal agreement; and

3. The funds may be used for project design renderings, engineering or other professional services performed by persons or entities selected from the King County approved architecture and engineering roster maintained by the department of finance or an affected city's approved architecture and engineering roster, or selected by an affected city through its procurements processes consistent with state law and city ordinances.

C. TDR amenities may include the acquisition, design or construction of public art, cultural and community facilities, parks, open space, trails, roads, parking, landscaping, sidewalks, other streetscape improvements, transit-related improvements or other improvements or programs that facilitate increased densities on or near receiving sites.

D. When King County funds amenities in whole or in part, the funding shall not commit the county to funding any additional amenities or improvements to existing or uncompleted amenities.

E. King County funding of amenities shall not exceed appropriations adopted by the council or funding authorized in interlocal agreements, whichever is less.

F. Public transportation amenities shall enhance the transportation system. These amenities may include capital improvements such as passenger and layover facilities, if the improvements are within a designated receiving area or within one thousand five hundred feet of a receiving site. These amenities may also include programs such as the provision of security at passenger and layover facilities and programs that reduce the use of single occupant vehicles, including car sharing and bus pass programs.

G. Road fund amenities shall enhance the transportation system. These amenities may include capital improvements, such as streets, traffic signals, sidewalks, street landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a designated receiving site area or within one thousand five hundred feet of a receiving site. These amenities may also include programs that enhance the transportation system.

H. All amenity funding provided by King County to cities to facilitate the transfer of development rights shall be consistent with federal, state and local laws.

I. The timing and amounts of funds for amenities paid by King County to each participating city shall be determined in an adopted interlocal agreement. The interlocal agreement shall set forth the amount of funding to be provided by the county, an anticipated scope of work, work schedule and budget governing the use of the amenity funds. Except for the amount of funding to be provided by the county, these terms may

be modified by written agreement between King County and the city. Such an agreement need not be in the form of an interlocal agreement. Such an agreement must be authorized by the TDR executive board. If amenity funds are paid to a city to operate a program, the interlocal agreement shall set the period during which the program is to be funded by King County.

J. A city that receives amenity funds from the county is responsible for using the funds for the purposes and according to the terms of the governing interlocal agreement.

K. To facilitate timely implementation of capital improvements or programs at the lowest possible cost, King County may make amenity payments as authorized in an interlocal agreement to a city before completion of the required improvements or implementation programs, as applicable. If all or part of the required improvements or implementation programs in an interlocal agreement to be paid for from King County funds are not completed by a city within five years from the date of the transfer of amenity funds, then, unless the funds have been used for substitute amenities by agreement of the city and King County, those funds, plus interest, shall be returned to King County and deposited into the originating amenity fund for reallocation to other TDR projects.

L. King County is not responsible for maintenance, operating and replacement costs associated with amenity capital improvements inside cities, unless expressly agreed to in an interlocal agreement.

NEW SECTION. SECTION 43. A new section is hereby added to K.C.C. chapter 21A.38 to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:

1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Multifamily residential units shall only be allowed on the upper floors of buildings; and

(B) Home occupations under K.C.C. chapter 21A.30;

ii. As a conditional use:

(A) Bed and Breakfast (five rooms maximum); and

(B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Library;

(B) Museum; and

(C) Arboretum.

ii. As a conditional use:

(A) Sports Club/Fitness Center;

(B) Amusement/Recreation Services/Arcades (Indoor);

(C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

i. As a permitted use:

(A) General Personal Services, except escort services;

(B) Funeral Home;

(C) Appliance/Equipment Repair;

(D) Medical or Dental Office/Outpatient Clinic;

(E) Medical or Dental Lab;

(F) Day Care I;

(G) Day Care II;

(H) Veterinary Clinic;

(I) Social Services;

(J) Animal Specialty Services;

(K) Artist Studios;

(L) Nursing and Personal Care Facilities;

ii. As a conditional use:

(A) Theater (Movie or Live Performance);

(B) Religious Use;

d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

i. As a permitted use:

(A) General Business Service;

(B) Professional Office: Bank, Credit Union, Insurance Office.

ii. As a conditional use:

(A) Public Agency or Utility Office;

(B) Police Substation;

(C) Fire Station;

(D) Utility Facility;

(E) Self Service Storage;

e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

(A) Food Store;

(B) Drug Store/Pharmacy;

(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;

(B) Hardware/Building Supply Store;

(C) Nursery/Garden Center;

(D) Department Store;

(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;

(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

a. Residential density is limited to six dwelling units per acre. For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1;

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non-residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps;

e. If the ground floor is designed to accommodate non-residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

NEW SECTION. SECTION 44. A new section is hereby added to K.C.C. chapter 21A.42 to read as follows:

In the RA zone, the following apply to the expansion or modification of a school authorized by an existing land use permit:

A. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion or modification of an elementary school authorized by an existing land use permit even if the use is not permitted outright in the RA zone. Such expansions or modifications shall conform to all other provisions of this title;

B. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion of a middle school, junior high school or high school authorized by an existing land use permit even if the use is not permitted outright in the RA zone. Such expansions shall conform to all other provisions of this title. Any expansions under this subsection shall be subject to the following:

1. the project-wide amount of each of the following may be increased by up to ten percent:

a. building square footage;

b. impervious surface;

c. parking; and

d. building height; and

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansions exceeds the percentage prescribed in subsection B.1. of this section;

C. An expansion of a school that does not conform to the provisions of subsection B. of this section may only be approved if the expansion is reviewed and approved as a conditional use; and

D. The department may review and approve, in accordance with the code compliance process of this chapter, a modification of a middle school, junior high school or high school authorized by an existing land use permit that does not make a substantial change to the existing land use permit, as determined by the department. For the purpose of this subsection, a "substantial change" includes, but is not limited to, a change to the conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval.

SECTION 45. Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030 are each hereby amended to read as follows:

A. Property-specific development standards, denoted by the zoning map symbol - P after the zone's map symbol or a notation in the ((~~SITUS File~~)) geographic information system data layers, shall be established on individual properties through either reclassifications or area zoning. All property-specific development standards are

contained in Appendix of Ordinance 12824 as currently in effect or hereinafter amended and shall be maintained by the department of permitting and environmental review in the Property Specific Development Conditions notebook. Upon the effective date of reclassification of a property to a zone with a "-P" suffix, the property-specific development standards adopted thereby shall apply to any development proposal on the subject property subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance((,)) and special use permit.

B. Property-specific development standards shall address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such a condition(((s))) or conditions, and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property-specific development standards are limited to:

1. Limiting the range of permitted land uses;

2. Requiring special development standards for property with physical constraints (e.g., environmental hazards, view corridors);

3. Requiring specific site design features (e.g., building orientation, lot layout, clustering, trails or access location);

4. Specifying the phasing of the development of a site;

5. Requiring public facility site dedications or improvements (e.g., roads, utilities, parks, open space, trails, school sites); or

6. Designating sending and receiving sites for transferring density credits as provided in K.C.C. 21A.36.

D. Property-specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title

SECTION 46. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020 are each hereby amended to read as follows:

A. ((~~Authority and Application of Demonstration Projects.~~)) In establishing any demonstration project, the council shall specify the following ((~~provisions~~)):

1. The purpose of the demonstration project;

2. The location(((~~s~~))) or locations of the demonstration project;

3. The scope of authority to modify standards and the lead agency((~~/~~)) or department with authority to administer the demonstration project;

4. The development standards established by this title or other titles of the King County Code ((~~which~~)) that affect the development of property that are subject to administrative modifications or waivers;

5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;

6. The criteria for modification or waiver approval;

7. The effective period for the demonstration project and any limitations on extensions of the effective period;

8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and

9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

B. A demonstration project shall be designated by the Metropolitan King County Council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project shall be indicated on the zoning map or a notation in the ((~~SITUS File~~)) geographic information system data layers maintained by the department of permitting and environmental review, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones. Within a designated demonstration project area, approved alternative development regulations may be applied to development applications.

SECTION 47. Ordinance 11621, Section 28, and K.C.C. 21A.06.1177 are each hereby repealed.

SECTION 48. Ordinance 3688, Section 257, as amended, and K.C.C. 21A.06.1385A are each hereby repealed.

SECTION 49. Ordinance 10870, Section 535, and K.C.C. 21A.30.070 are each hereby repealed.

SECTION 50. **Work program.** The council hereby adopts the following work program items as part of the King County Comprehensive Plan 2012:

A. The executive shall evaluate the benefits, costs and implementation strategies of requiring disclosure of Environmental Protection Agency Energy Star-type scores for commercial and public buildings to prospective buyers, lessees and lenders with the goal

of improving energy efficiency. The executive shall prepare a report setting forth recommendations for modifications to policies, procedures and ordinances to implement the requirement of energy use disclosure by building owners. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

B. The executive shall evaluate the benefits, costs and implementation strategies of requiring solar access for the production of solar energy. For the purposes of this subsection B, "solar access" encompasses both the ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage, or other impediment), as well as the ability to install solar energy systems on residential and commercial property that is subject to private restrictions; that is, covenants, conditions, restrictions, bylaws and condominium declarations, as well as local government ordinances and building codes. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

C.1. The executive shall complete a report on the effectiveness of county efforts to support the needs of agriculture pursuant to King County comprehensive plan policy R-667.

2. The report shall include:

a. a timeline for the implementation of expedited reviews and reduced fees;

b. the number and types of agricultural building permits reviewed;

c. an estimate of cost savings for applicants for agricultural building permits;

d. an estimate of the number of agricultural building permits that were reviewed under more stringent commercial building standards; and

e. a comparison between fire and building standards applied to permits for agricultural structures by King County and those of Pierce, Snohomish, Skagit and Whatcom counties.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor;

D.1. In addition to other formats, the executive shall produce a single, web-based document that consolidates all the chapters of the Comprehensive Plan, including the introduction and glossary.

2. The consolidated document shall:

a. be searchable, include hyperlinks to all cited web addresses; and

b. use a non-PDF format in order to allow editing.

3. Access to this consolidated document shall be made available on the executive web page no later than thirty days after the adoption of updates to the Comprehensive Plan;

E. The executive shall complete a report on the effectiveness of county efforts to implement the guiding principle of equity and social justice in its planning and actions.

This report shall identify any deficiencies in the implementation of this guiding principle applied to the policies contained in Comprehensive Plan. The report shall identify actions necessary to correct these deficiencies. The analysis should be done by subparts of each chapter ; that is, by each lettered section of each chapter . The report shall also recommend if the addition of a policy calling for the consideration of equity and social justice in implementation of the subpart of each chapter should be added to the Comprehensive Plan and the recommended language for all such additional policies. The report should be transmitted to the council by March 1, 2013, in order that the council may consider any recommended policy changes in accordance with K.C.C. 20.18.030.B.6. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor;

F.1. The executive shall complete a report on the effectiveness of county incentives to foster and support the annexation efforts of cities as well as potential barriers and their impacts.

2. The report shall include:

a. a needs analysis of county actions, such as the construction of improvements to infrastructure within each city potential annexation area that would be necessary to encourage annexation by a city;

b. a financial analysis of potential options for funding of these county actions; and

c. any state legislative action needed to facilitate annexations.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staffs for the transportation, economy and environment and budget and fiscal management, or their successor.

G.1. The executive shall convene discussions between the county and its cities for the purpose of developing joint planning agreements relative to the use of transfer of development rights ("TDRs").

2. The joint planning agreements should:

a. identify potential preferred receiving sites both within the current boundaries of a city and its potential annexation areas; and

b. include measures that would encourage the increased use of TDRs.

3. The executive shall provide a report that:

a. describes which cities are participating in the development of joint planning agreement; and

b. outlines the process and timeline for the development of these joint planning agreements.

4. The report required under subsection G.3. of this section shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of the report with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

H.1. The executive shall complete a report on the effect of the recession on market demand for transfer of development rights.

2. The report shall:

a. enumerate the number of transfer of development rights ("TDRs") both sold and used for development;

b. identify any difference in the demand of privately-marketed TDRs versus those TDRs sold to and obtained from the county TDR bank; and

c. evaluate any impacts on TDR market demand resulting from economic conditions or from price differentials, if any, between privately marketed TDRs and those obtained from the TDR bank.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

I.1. The executive shall conduct a review of, and report on, septic systems on unincorporated properties either in or directly abutting the Sammamish Valley agricultural production district ("APD").

2. The report shall:

a. identify and map all such properties;

b. indicate where septic system failures have occurred, or have the high potential of occurring due to age or soil conditions;

c. evaluate the potential health impact of such failures on lands within the APD, especially in regard to lands used for food crops; and

d. identify possible methods of sewage treatment as allowed under the Comprehensive Plan policies, and including a range of costs, for the identified methods, that may be utilized to provide for safe treatment of sewage.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

J.1. The executive shall complete a report relating to an increased potential for safety conflicts between motorized and non-motorized uses on roadways in the Rural Area, as a result of reduced investments in or maintenance of roadways.

2. To address the potential increase of these conflicts, the report shall:

a. review the county's road design and construction standards for roadways in the Rural Area for ways to provide safer multimodal use of these roadways; and

b. for areas where there is not sufficient roadway infrastructure for safe multimodal uses, evaluate whether off-roadway trails and bike paths for nonmotorized uses should be encouraged or facilitated.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

K.1. The executive shall complete the update to the Rural Economic Strategies ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted in the 2008 Comprehensive Plan.

2. The RES plan update shall reflect:

a. policy direction of the 2012 Comprehensive Plan;

b. the effect of annexations towards focusing the county's local government role as primarily that of a rural area service provider; and

c. that while cities in the Rural Area fill a crucial need for supporting the retail and service needs of the population of the surrounding Rural Area, such cities are autonomous, which means they may plan and implement their own economic strategies, and are therefore not subject to the county's development and/or economic regulations. The updated plan and ordinance adopting the updated plan shall be transmitted to the council by September 1, 2013.

L. The executive shall add to the Growth Management Planning Council's 2013 work plan, the issue of multi-jurisdictional responsibility for funding of improvements to the county's rural regional corridors that are used, in large measure, to move traffic between incorporated areas.

M.1. The executive shall complete a report outlining the work plan for the watershed planning process to be established for an agricultural production district ("APD") as contemplated in Comprehensive Plan Policy R-650.

2. The report shall:

a. establish the criteria for creating a watershed planning process;

b. the general work plan for any established watershed planning process; and

c. the categories of stakeholders proposed to be included for any established watershed planning process and the proposed number of participants from each category. The categories shall be but are not limited to: farmer(s) and/or resident(s) affected by the

proposed project(s) in the APD; a representative from the WRIA in which the affected APD is located; a representative from the King County Agriculture Commission from the affected APD; a representative from the King Conservation District; and subject matter experts.

3. The report shall be transmitted to the council by March 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

N. The executive shall develop and transmit for council consideration and adoption, the appropriate regulations to necessary to implement policies U-188 and U-189, which relate to the Four-to-One Program. No new applications for Four-to-One proposals based on these policies shall be accepted by the executive until such time as such regulations are adopted by council. The executive-proposed regulations shall be transmitted to the council by March 1, 2013.

O. By June 1, 2013, the executive shall provide a report detailing the progress of the rule making process, as required by this ordinance, which will develop the criteria for the designation and mapping of the channel migration zone areas in unincorporated King County. Additional reports to provide updates on the progress on the rule making process and implementation of the designation and mapping of channel migration zones shall be provided each January 1 and June 1, until the mapping is completed. The reports required by this subsection shall be transmitted to the council in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original

and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor.

P.1. The executive shall work collaboratively with the city of Woodinville to develop joint recommendations for promoting the wine and agriculture industries.

2. In developing these recommendations, the county shall work with the city to analyze and consider the following:

a. Identification of existing and needed transportation infrastructure including traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and way finding;

b. The finite nature and value of agricultural soil resources and the agricultural potential of the APD;

c. The character of the surrounding rural area;

d. Vacant, buildable, and redevelopable land within the existing urban growth area;

e. The adopted Countywide Planning Policies and King County Comprehensive Plan;

f. Input from the public and interested stakeholders, including local businesses and surrounding city and unincorporated area communities;

g. Failing septic systems and pollution in the valley, in conjunction with the report set forth in subsection I of this section; and

h. Nonconforming uses on the unincorporated lands in King County and on the agricultural lands.

Q. Recognizing that structures, such as farm pads, are vital to agriculture activities and are allowed in the channel migration zones in accordance with K.C.C. 21A.24.045A, the executive shall work with the state Department of Ecology to develop a revised K.C.C. 21A.24.045D.56. to more accurately reflect the restrictions on placing such structures in severe channel migration zones.

SECTION 51. If any provision of this ordinance or its application to any person

or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Ordinance 17485 was introduced on 3/5/2012 and passed as amended by the Metropolitan King County Council on 12/3/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 13 day of DECEMBER, 2012

Dow Constantine, County Executive

Attachments: A. 2012 King County Comprehensive Plan 12-3-12, B. Capital Facilities 12-3-12, C. Housing 12-3-12, D. Transportation 12-3-12, E. Transportation Needs Report 12-3-12, F. Growth Targets and Urban Growth Area 2012 12-3-12, G. Summary of Public Outreach for Development of 2012 KCCP Update 12-3-12., H. King County Critical Aquifer Recharge Areas 12-3-12, I. Fall City Subarea Plan 12-3-12, J. School Siting Task Force Report 12-3-12, K. King County Shoreline Jurisdiction 12-3-12