

2017-0244 Title 21A Code Amendments
(Shorelines)
REVISED

Shorelines Areas				
Ord Section	King County Code	Current Code	Proposed Change	Comment
1	KCC 20.12.200 Shoreline master program	<p>KCC 20.12.200 Shoreline master program. The King County shoreline master program consists of the following elements:</p> <p>A. The King county shoreline management goals and policies in chapter 5 of the King County Comprehensive Plan. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline management jurisdiction under RCW chapter 90.58; and</p> <p>B. The King County Code sections identified in K.C.C. 20.12.205.</p>	<p>KCC 20.12.200 Shoreline master program.</p> <p><u>A. The King County shoreline master program consists of the following elements in effect on the effective date of this ordinance:</u></p> <p>((A.)) <u>1. The King county ((shoreline management goals, and policies in chapter 5 of the King County Comprehensive Plan. The shoreline management foals and policies constitute the official policy of King county regarding areas of the county subject to shoreline management jurisdiction under RCW chapter 90.58; and)) Comprehensive Plan chapter six;</u></p> <p>((B. The King County Code section identified in K.C.C. 20.12.205)) <u>2. K.C.C. chapter 21A. 25;</u></p> <p><u>3. The following sections of K.C.C. chapter 21A. 24:</u></p> <p><u>a. KCC 21A.24.045;</u></p> <p><u>b. KCC 21A.24.051;</u></p> <p><u>c. KCC 21A.24.055;</u></p> <p><u>d. KCC 21A.24.070.A.,D. and E.;</u></p> <p><u>e. KCC 21A.24.125;</u></p> <p><u>f. KCC.21A.24.130;</u></p> <p><u>g. KCC 21A.24.133;</u></p> <p><u>h KCC 21A.24.200;</u></p> <p><u>i. KCC 21A.24.210;</u></p> <p><u>j. KCC 21A.24.220;</u></p> <p><u>k. KCC 21A.24.230;</u></p> <p><u>l. KCC 21A.24.240;</u></p> <p><u>m. KCC 21A.24.250;</u></p> <p><u>n. KCC 21A.24.260;</u></p> <p><u>o. KCC 21A.24.275;</u></p> <p><u>p. KCC 21A.24.280;</u></p> <p><u>q. KCC 21A.24.290;</u></p> <p><u>r. KCC 21A.24.300;</u></p> <p><u>s. KCC 21A.24.310;</u></p> <p><u>t. KCC 21A.24.316;</u></p> <p><u>u. KCC 21A.24.325;</u></p>	<p>We are trying to be more clear about what makes up the SMP by listing the items and get away from trying to list every code section. WAC 173-26-191 regulates master program contents and nothing in that section is specific enough to require that we retain the current language. Added is Section C specifying that Ecology must approval the changes before KC can implement them.</p> <p>In Section A, the phrase "in effect on the effective date of this ordinance" becomes the date the ordinance was adopted by the Code Reviser when he is putting the ordinance into Code. Also, the Ordinance number is listed at the bottom of the section (20.21.200),</p>

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			<p> <u>v. KCC 21A.24.335;</u> <u>w. KCC 21A.24.340;</u> <u>x. KCC 21A.24.358;</u> <u>y. KCC 21A.24.365;</u> <u>z. KCC 21A.24.380;</u> <u>aa. KCC 21A.24.382;</u> <u>bb. KCC 21A.24.386;</u> <u>cc. KCC 21A.24.388; and</u> 4. <u>And the following:</u> a. <u>KCC 20.18.040;</u> b. <u>KCC 20.18.050;</u> c. <u>KCC 20.18.056;</u> d. <u>KCC 20.18.057</u> e. <u>KCC 20.18.058;</u> f. <u>KCC 20.22.160</u> g. <u>KCC 20.24.510;</u> h. <u>KCC 21A.32.045;</u> i. <u>KCC 21A.44.090;</u> j. <u>KCC 21A.44.100; and</u> k. <u>KCC 21A.50.030.</u> B. <u>The shoreline management goals and policies constitute the official policy of King county regarding areas of the county subject to shoreline management jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King county's local administrative, enforcement and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the master program.</u> C. <u>Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of permitting and environmental review shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers, chief of staff, policy staff director and the lead staff of the transportation, economy and environment committee, or its successor.</u> </p>	

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Ord Section	King County Code	Current Code	Proposed Change	Comment
NEW Section 2	KCC 21A.06.738	21A.06.738 Master program, shoreline. Master program, shoreline: the comprehensive shoreline use plan for King County consisting of: A. The King County shoreline management goals and policies, set forth in King County Comprehensive Plan Chapter 5, that guide environmental designations, shoreline protection, shoreline use and shoreline modifications; and B. The development regulations identified in K.C.C. 20.12.205.	21A.06.738 Master program, shoreline. Master program, shoreline: the comprehensive shoreline use plan for King County consisting of: A. The King County shoreline management goals and policies, set forth in King County Comprehensive Plan Chapter ((5))6, that guide environmental designations, shoreline protection, shoreline use and shoreline modifications; and B. The development regulations identified in K.C.C. ((20.12.205))20.12.200.	
Was 2 Now 3	KCC 21A.06.913	KCC 21A.06.913 Public Access. Public access: the ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state and to view the water and the shoreline from adjacent locations.	KCC 21A.06.913 Public Access. Public access: the ability of the general public to reach, touch ((and)) or enjoy the water's edge, to travel on the waters of the state and to view the water and the shoreline from adjacent locations.	Clarify that each of these items applies to "public access", not them together. In statutory construction, "or" means the same as "and/or."
Was 3 Now 4	KCC 21A.06.1082A Shoreline management conditional use.	KCC 21A.06.1082A Shoreline conditional use. A shoreline use that is allowed only if it meets the criteria established in K.C.C. 25.32.050, as recodified by Ordinance 16985*, and is subject to conditions of approval.	KCC 21A.06.1082A Shoreline conditional use. A shoreline use that is allowed only if it meets the criteria established in K.C.C. ((25.32.050, as recodified by Ordinance 16985*, and is subject to conditions of approval. *Reviser's note: K.C.C. 25.32.080 was repealed by Ordinance 16985, Section 137)) 21A.44.100.	Update the reference. *Reviser's note: K.C.C. 25.32.080 was repealed by Ordinance 16985, Section 137.
Was 4 Now 5	KCC 21A.06.1285 Trails	KCC 21A.06.1285 Trails. Trails: man-made pathways, designed and intended for use by pedestrians, bicyclists, equestrians, and other nonmotorized recreational users.	KCC 21A.06.1285 Trails. Trails: man-made pathways, including elevated boardwalks, bridges and stairs, designed and intended for use by pedestrians, bicyclists, equestrians, and other nonmotorized recreational users.	Clarifying the definition; DPER went through its Regulatory Review Committee process to clarify the code
NEW Section 6	KCC 21A.06.1385 Water Dependent Use	KCC 21A.06.1385 Water dependent use. Water dependent use: a use or portion of a use that cannot exist dependent on the water by reason of the intrinsic nature of its operations.	KCC 21A.06.1385 Water dependent use. Water dependent use: a use or portion of a use that cannot exist in a location that is not adjacent to the water and is dependent on the water by reason of the intrinsic nature of its operations.	Add the missing language from WAC173-26.
Was 6 Now 7	KCC 21A.24.045 Allowed alterations	KCC 21A.24.045. C. Table D.2.e,	KCC 21A.24.045. C. Table <u>Change headings from vertical to horizontal</u> D.2.e	D.2.e. Get away from using the term "development footprint" and clarify what is referenced is the site alteration

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		<p>2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:</p> <p>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;</p> <p>b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;</p> <p>c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;</p> <p>d. access is located to have the least adverse impact on the critical area and critical area buffer;</p> <p>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;</p> <p>f. the alteration is no closer than:</p> <p>(1) on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five 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 of the lake shoreline;</p> <p>(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</p> <p>(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</p> <p>(continued)</p>	<p>2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:</p> <p>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;</p> <p>b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;</p> <p>c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;</p> <p>d. access is located to have the least adverse impact on the critical area and critical area buffer;</p> <p>e. the <u>site</u> 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;</p> <p>f. the alteration is no closer than:</p> <p>(1) on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five 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 of the lake shoreline;</p> <p>(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</p> <p>(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</p> <p>(continued)</p>	

Shorelines Areas				
Ord Section	King County Code	Current Code	Proposed Change	Comment
		<p>D.56. Only allowed in a severe channel migration hazard area located outside of the shorelines jurisdiction area, grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer and only if:</p> <p>a. the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;</p> <p>b. there is not another feasible location available on the site that is located outside of the critical area or critical area buffer; and</p> <p>c. for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.</p>	<p>D.56. Only allowed in a severe channel migration hazard area located outside of the shorelines jurisdiction area, grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer and only if:</p> <p>a. the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;</p> <p>b. there is not another feasible location available on the site that is located outside of the critical area or critical area buffer;</p> <p>c. <u>the farm pad is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051;</u> and</p> <p>d. for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.</p>	<p>D.56 Allow farm pads approved in Farm Management Plans (helps define the farm operations and the size is based on King Conservation District). Section D.56 is applicable when 1) the SCMHA is located outside shorelines jurisdiction (200'), 2) in a grazed or tilled wet meadow or wet meadow buffer, or 3) in an aquatic area buffer; if one of the three conditions is met, then only if a, b, c and d are met.</p>
Was 7 Now 8	KCC 21A.24.070 Alteration exception	<p>KCC 21A.24.070.A.3 Alteration exception.</p> <p>A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:</p> <p>...</p> <p>3. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:</p> <p>a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;</p> <p>b. the alteration is the minimum necessary to accommodate the development proposal;</p> <p>c. the approval does not require the modification of a critical area development standard established by this chapter, except as set forth in subsection A.2.i. of this section;</p> <p>d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is</p>	<p>KCC 21A.24.070.A.3 Alteration exception.</p> <p>A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:</p> <p>...</p> <p>3. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection ((A.2.h.)) <u>A.3.h.</u> of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:</p> <p>e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. <u>When the site disturbance is within a critical area buffer, the building setback line shall be measured from the building footprint to the edge of the approved site disturbance;</u></p>	<p>Correct the code reference in A.3. Add a sentence to clarify building setback line in A.3.e; this allows DPER to determine/approve the site disturbance before a building is located within it.</p> <p>Correct the reference in A.3.i.</p> <p>Add a sentence to clarify the building setback line in</p>

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		<p>consistent with the general purposes of this chapter and the public interest;</p> <p>e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system;</p> <p>f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer;</p> <p>g. the critical area is not used as a salmonid spawning area;</p> <p>h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility; and</p> <p>i. the director may approve an alteration to the elevation or dry flood proofing standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand dollars if the development proposal meets the criteria in subsection A.2. of this section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G.</p> <p>...</p>	<p>i. the director may approve an alteration to the elevation or dry flood proofing standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand dollars if the development proposal meets the criteria in subsection ((A.2.)) A.3. of this section and the standards in K.C.C. 21A.24.240.F.4 through 21A.24.240.G.</p>	
Was 10 Now 9	KCC 21A.24.200	KCC 21A.24.200 Building setbacks. Unless otherwise provided, an applicant shall set buildings and other structures back a distance of fifteen feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following are allowed in the building setback area:	KCC 21A.24.200 Building setbacks. Unless otherwise provided, an applicant shall set buildings and other structures back a distance of fifteen feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. <u>When the site disturbance is within a critical area buffer, the building setback line shall be measured from the building footprint to the edge of the approved site disturbance.</u> The following are allowed in the building setback area:	Clarify that the building setback is measured from the building footprint to the edge of the site disturbance that DPER has approved.
NOT INCLUDED	KCC 21A.25.010			Deleted from previous matrix; leaving this alone and having all the SMP elements identified only in KCC 20.12.200

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Ord Section	King County Code	Current Code	Proposed Change	Comment
Was 13 Now 10	KCC 21A.25.020 Definitions	<p>KCC 21A.25.020 Definitions. The definitions in K.C.C. chapter 21A.06, chapter 90.58 RCW and chapter 173-26 apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW and chapter 173-26 WAC apply if there is a conflict with the definitions in K.C.C. chapter 21A.06. In addition, the following definitions apply to this chapter unless the context clearly requires otherwise:</p> <p>A. "Development" means any development as defined in chapter 90.58 RCW.</p> <p>B. "Shoreline mixed use" means shoreline development that contains a water-dependent use combined with a water related, water enjoyment or a non-water-oriented use in a single building or on a single site in an integrated development proposal. Water dependent uses must comprise a significant portion of the floor area or site area in a shoreline mixed use development.</p>	<p>KCC 21A.25.020 Definitions. The definitions in KCC chapter 21A.06, chapter 90.58 RCW and chapter 173-26 WAC apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW and chapter 173-26 WAC apply if there is a conflict with the definitions in KCC chapter 21A.06. <u>Other definitional sections of the King County Code shall apply where applicable and where not in conflict with the above listed regulations.</u> In addition, the following definitions apply to this chapter unless the context clearly requires otherwise:</p> <p>A. "Development" means any development as defined in chapter 90.58 RCW.</p> <p>B. "Shoreline mixed use" means shoreline development that contains a water-dependent use combined with a water related, water enjoyment or a non-water-oriented use in a single building or on a single site in an integrated development proposal. Water dependent uses must comprise a significant portion of the floor area or site area in a shoreline mixed use development.</p>	<p>Add the new sentence to resolve conflicts.</p> <p>Definitions are not substantive; they have the ability to apply in shoreline area and outside it.</p>
Was 14 Now 11	KCC 21A.25.050 Shoreline jurisdiction delineated	<p>KCC 21A.25.050 Shoreline jurisdiction delineated.</p> <p>A. The King County shoreline jurisdiction consists of:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 	<p>KCC 21A.25.050 Shoreline jurisdiction delineated.</p> <p>A. The King County shoreline jurisdiction consists of:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 	<p>Delete language in 2.b that is not consistent with the Comp Plan and not consistent with state SMP.</p> <p>The KCC implements RCW 90.58.030(2)(d)(i) because it includes the full 100-year floodplain in the SMP. Comp Plan says "King County currently includes the 100-year floodplain in its shoreline jurisdiction (see KCCP Chapter 6.1.C.3 (pg 6-5)).</p> <p>SMP says "Shorelines include "associated shorelands" which are</p>

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		<p>c. all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to chapter 90.58 RCW.</p> <p>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.</p> <p>C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment K. to Ordinance 17485.* 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.</p>	<p>c. all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to chapter 90.58 RCW.</p> <p>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.</p> <p>C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment K. to Ordinance 17485.* 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.</p>	<p>defined in the SMA as follows: "shorelands or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal water which are subject to the provisions of this chapter." (KCCP chapter 6.II.B.1.c (pg 6-13))</p> <p>SMP Policy S-105 says "King County's shoreline jurisdiction extends over all shorelines of the state, as that term is defined in the SMA, in unincorporated King County. This includes jurisdiction over shorelines, shoreline of statewide significance and shorelands. (KCCP chapter 6.II.B.1.d (pg6-13))</p> <p>SMP Policy S-106 says "King County includes within its shoreline jurisdiction the 100-year floodplains of shorelines of the state" (KCCP chapter 6.II.B.1.e (pg 6-14)). The text is as</p>

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				<p>follows: "In its original SMP adopted in 1977, King County included the 100-year floodplain. The continued regulation of the 100-year floodplain is necessary to comply with certain federal requirements under the National Flood Insurance Program. Therefore, King County continues to extend its shoreline jurisdiction to cover the 100-year floodplains."</p> <p>The 100-year floodplain is always equivalent to or larger than the floodway and contiguous floodplain areas landward 200 feet from such floodways.</p>
NEW Section 12	KCC 21A.25.060. B.	<p>21A.25.060 Names of shoreline environments designations.</p> <p>B. The shoreline environment designations are included on a map in chapter 5 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in chapter 5 of the King County Comprehensive Plan for shoreline environment designations, the criteria shall constitute the official King County shoreline environment designation. Any parcel of land included within the shoreline jurisdiction without a shoreline environment designation shall be considered within the Conservancy environment.</p>	<p>21A.25.060 Names of shoreline environments designations.</p> <p>B. The shoreline environment designations are included on a map in chapter ((5))6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in chapter ((5))6 of the King County Comprehensive Plan for shoreline environment designations, the criteria shall constitute the official King County shoreline environment designation. Any parcel of land included within the shoreline jurisdiction without a shoreline environment designation shall be considered within the Conservancy environment.</p>	
Was 15 Now 13	KCC 21A.25.160.B Shoreline modification.	chart	<p>Change the headings from vertical to horizontal.</p> <p>Delete the "beach and dunes management; not applicable in King County" rows</p>	We don't have any that meet the state definition (coastal features).

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Was 15 Now 13	KCC 21A.25.160.C.2 and "Flood protection facilities" line in .B chart	KCC 21A.25.160 Development condition C.2: 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.	<u>Add "P2" to the Natural environment on the "Flood protection facilities" line.</u> KCC 21A.25.160 Development condition C.2: 2. <u>a. 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.</u> <u>b. Relocation, replacement or expansion of existing flood control facilities within the Natural environment are permitted, subject to the requirements of the King county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be permitted consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan.</u>	Allow replacement or expansion of flood control facilities in those portions of Natural environment that already have flood control facilities.
Was 16 Now 14	KCC 21A.25.180.M	KCC 21A.25.180 Dock, pier, moorage pile or buoy, float or launching facility. Any dock, pier, moorage pile or buoy, float or launching facility authorized by this chapter shall be subject to the following conditions:	KCC 21A.25.180 Dock, pier, moorage pile or buoy, float or launching facility. Any dock, pier, moorage pile or buoy, float or launching facility authorized by this chapter shall be subject to the following conditions:	Delete "and other covered structures"

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Ord Section	King County Code	Current Code	Proposed Change	Comment
		M. Except as otherwise provided for covered boat lifts under subsection H. of this section, covered docks or piers, covered moorages, covered floats, and other covered structures are not permitted waterward of the ordinary high water mark; and	M. Except as otherwise provided for covered boat lifts under subsection H. of this section, covered docks or piers, covered moorages, <u>and covered floats, ((and other covered structures))</u> are not permitted waterward of the ordinary high water mark; and	
Was 17 Now 15	KCC 21A.25.290.B.2	<p>KCC 21A.25.290 Development limitations - mitigation - substantial development - record of review - conditions of approval - programmatic statement of exemption - exception to statement of exemption.</p> <p>B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:</p> <ol style="list-style-type: none"> 1. WAC 173-27-050 applies; or 2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur at or below the ordinary high water mark. <p>C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations. (continued)</p> <p>KCC 21A.25.290.F</p> <p>F. A statement of exemption is not required for maintenance of agricultural drainage [or]* agricultural waterways used by salmonids if:</p> <ol style="list-style-type: none"> 1. The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to RCW 77.55; 	<p>KCC 21A.25.290.B.2</p> <p>B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:</p> <ol style="list-style-type: none"> 1. WAC 173-27-050 applies; or 2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur <u>((at or below)) waterward of the ordinary high water mark.</u> <p>KCC 21A.25.290.F</p> <p>F. A statement of exemption is not required for maintenance of agricultural drainage <u>or</u> agricultural waterways used by salmonids if:</p> <ol style="list-style-type: none"> 1. The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to <u>((RCW))chapter 77.55 RCW;</u> 2. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife, the department of permitting and environmental review and the department of natural resources and parks, and as reviewed by the Washington Department of Ecology; 3. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County 	<p>Changing the term to "waterward" to be consistent with other language.</p> <p>*Reviser's note: Language added but not underlined in Ordinance 17539. See K.C.C. 1.24.075.</p>

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		<p>2. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife, the department of permitting and environmental review and the department of natural resources and parks, and as reviewed by the Washington Department of Ecology;</p> <p>3. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and</p> <p>4. The maintenance project complies with the requirements of K.C.C. chapter 16.82.</p>	<p>agricultural drainage assistance program and the best management practices required under that program; and</p> <p>4. The maintenance project complies with the requirements of K.C.C. chapter 16.82.</p> <p><u>5. The project is not subject to federal permitting related to the U.S. Army Corps of Engineers Section 10 or Section 404 permits.</u></p>	Section 10 and Section 404 permits address lands covered by water (wetlands).
Was 18 Now 16	KCC 21A.25.300	KCC 21A.25.300 Permits - prerequisite to other permits. In the case of development subject to the permit requirements of this chapter, King County shall not issue any other permit for such development until such time as approval has been granted under this chapter. Any development subsequently authorized by King County shall be subject to the same terms and conditions that apply to the development authorized under this chapter.	KCC 21A.25.300 Permits - prerequisite to other permits. In the case of development subject to the permit requirements of this chapter, <u>applicants may need to obtain other permits and comply with other non-shorelines regulations in King County codes</u> ; King County shall not issue any other permit for such development until such time as approval has been granted under this chapter. Any development subsequently authorized by King County shall be subject to the same terms and conditions that apply to the development authorized under this chapter.	Compliance with non-shoreline development regulations is necessary where applicable.
Was 19 Now 17	KCC 21A.25.310	KCC 21A.25.310 Application review for expansion or replacement of a nonconforming use or development. The review of applications for the expansion or replacement of a nonconforming use or development shall be in accordance with K.C.C. chapter 21A.32.	KCC 21A.25.310 Application review for expansion or replacement of a nonconforming use or development. The review of applications for the expansion, <u>modification, re-establishment</u> or replacement of a nonconforming use or development shall be in accordance with K.C.C. chapter 21A.32.	Add terms "modification" and "re-establishment" for clarification.
Was 20 Now 18	KCC 21A.44.100 Shoreline conditional use	KCC 21A.44.100 Shoreline conditional use. A. A shoreline conditional use shall be granted by the department for conditional uses identified in K.C.C. 21A.25.130 and 21A.25.170 as shoreline conditional uses only if the applicant demonstrates that:	KCC 21A.44.100 Shoreline conditional use. A. A shoreline conditional use shall be granted by the department for conditional uses identified in K.C.C. ((21A.25.130)) <u>21A.25.100</u> and ((21A.25.170)) <u>21A.25.160</u> as shoreline conditional uses only if the applicant demonstrates that((:	Clean up code references. Make this section more similar to the WAC (had codification problem).

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		<p>1. The review criteria of WAC 173-27-160 have been met; and</p> <p>2. The use will promote or not interfere with public use of surface waters.</p> <p>B. A shoreline conditional use may be granted by the department for uses not identified as conditional uses in K.C.C. 21A.25.110 and 21A.25.170 only if the applicant demonstrates that:</p> <p>1. The criteria in subsection A. of this section have been met;</p> <p>2. The use is not specifically prohibited in the shoreline environment;</p> <p>3. The use clearly requires specific site location on the shoreline not provided for under the shoreline master program; and</p> <p>4. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the K.C.C. chapter 21A.25.</p> <p>C. The burden of proving that a proposed shoreline conditional use meets the criteria enumerated in this section shall be on the applicant. Absence of such proof shall be grounds for denial of the application.</p>	<p>1. T)) the review criteria of WAC 173-27-160 have been met((; and</p> <p>2. The use will promote or not interfere with public use of surface waters)).</p> <p>B. A shoreline conditional use may be granted by the department for uses not identified as conditional uses in K.C.C. ((21A.25.110))21A.25.100 and ((21A.25.170))21A.25.160 only if the applicant demonstrates that:</p>	
Was 21 Now 19	KCC 20.12.205 Land use and development regulations within the shoreline jurisdiction – King County Code sections enumerated – state Department of Ecology approval required	KCC 20.12.205 Land use and development regulations within the shoreline jurisdiction - King County Code section enumerated - state Department of Ecology approval required. The following King County Code sections that are in effect as of April 7, 2013, are adopted as land use and development regulations within the shoreline jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of permitting and environmental review shall, within ten days after the date of [the] Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers and the	Repeal this section.	WAC 173-26-191 regulates master program contents and nothing in that section is specific enough to require that we retain the current language. We are deleting this section because the definitions are already listed under KCC 21A.25.020 and because we want to include what is in the SMP in KCC 21A.25 more specifically.

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		<p>lead staff of the transportation, economy and environment committee, or its successor:</p> <p>A. The following sections in K.C.C. Title 20:</p> <ol style="list-style-type: none"> 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. 20.22.160; and <p>B. The following sections in K.C.C. Title 21A:</p> <ol style="list-style-type: none"> 1. K.C.C. 21A.06.118; 2. K.C.C. 21A.06.156; 3. K.C.C. 21A.06.181; 4. K.C.C. 21A.06.181.E.; 5. K.C.C. 21A.06.181.G.; 6. K.C.C. 21A.06.182; 7. K.C.C. 21A.06.333.A.; 8. K.C.C. 21A.06.401; 9. K.C.C. 21A.06.469; 10. K.C.C. 21A.06.573; 11. K.C.C. 21A.06.653; 12. K.C.C. 21A.06.738; 13. K.C.C. 21A.06.796; 14. K.C.C. 21A.06.796.A.; 15. K.C.C. 21A.06.825 16. K.C.C. 21A.06.892; 17. K.C.C. 21A.06.913; 18. K.C.C. 21A.06.971; 19. K.C.C. 21A.06.1081; 20. K.C.C. 21A.06.1082.A.; 21. K.C.C. 21A.06.1082.B.; 22. K.C.C. 21A.06.1082.C.; 23. K.C.C. 21A.06.1082.D.; 24. K.C.C. 21A.06.1083; 25. K.C.C. 21A.06.1083.A.; 26. K.C.C. 21A.06.1268; 27. K.C.C. 21A.06.1385; 28. K.C.C. 21A.06.1386; 29. K.C.C. 21A.06.1388; 30. K.C.C. 21A.06.1389; 31. K.C.C. 21A.24.045; 		

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		32. K.C.C. 21A.24.051; 33. K.C.C. 21A.24.055; 34. K.C.C. 21A.24.070.A., D. and E.; 35. K.C.C. 21A.24.125; 36. K.C.C. 21A.24.130; 37. K.C.C. 21A.24.133; 38. K.C.C. 21A.24.200; 39. K.C.C. 21A.24.210; 40. K.C.C. 21A.24.220; 41. K.C.C. 21A.24.230; 42. K.C.C. 21A.24.240; 43. K.C.C. 21A.24.250; 44. K.C.C. 21A.24.260; 45. K.C.C. 21A.24.275; 46. K.C.C. 21A.24.280; 47. K.C.C. 21A.24.290; 48. K.C.C. 21A.24.300; 49. K.C.C. 21A.24.310; 50. K.C.C. 21A.24.316; 51. K.C.C. 21A.24.325; 52. K.C.C. 21A.24.335; 53. K.C.C. 21A.24.340; 54. K.C.C. 21A.24.358; 55. K.C.C. 21A.24.365; 56. K.C.C. 21A.24.380; 57. K.C.C. 21A.24.382; 58. K.C.C. 21A.24.386; 59. K.C.C. 21A.24.388; 60. K.C.C. 21A.32.045; 61. K.C.C. 21A.50.030; and 62. K.C.C. chapter 21A.25.		