

9614

ORDINANCE NO. \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

AN ORDINANCE related to zoning; adding and amending the definitions and regulations for protection of environmentally sensitive areas; amending the grading code and the shorelines management code to conform to the sensitive areas regulations; and providing for clearing permits; amending Ordinance 1161, Section 10; Ordinance 1488, Sections 2, 4, 5, 6, 7, 23; Ordinance 1711, Section 1; Ordinance 2537, Section 1; Ordinance 2909, Section 201; Ordinance 2910, Section 4 (part); Ordinance 3108, Section 1; Ordinance 3688, Sections 105, 403, 503, 506, 603; Ordinance 4099, Sections 1, 9; Ordinance 4365, Sections 1, 2, 3, 6; Ordinance 4461, Section 2; Ordinance 4569, Section 4; Ordinance 6254, Section 2; Ordinance 7990, Section 19; Ordinance 8330, Section 29; and Resolution 25789, Section 2802; all as amended; and, K.C.C. 14.30.020; 14.44.010; 14.46.010; 14.46.090; 16.82.010; 16.82.020; 16.82.040; 16.82.050; 16.82.060; 16.82.130; 20.24.080; 21.04.225; 21.04.345; 21.04.775; 21.04.915; 21.04.920; 21.58.020; 23.08.110; 23.12.010; 25.04.050; 25.16.030; 25.20.030; 25.24.030; 25.20.060; 27.20.020; adding new sections to K.C.C. 16.82; 21.04; 21.54 and 27.12; repealing Ordinance 1527, Sections 1, 2, 3, 4, 5, 6, 7, 8; Ordinance 1528, Sections 1, 2; Ordinance 2985, Sections 11, 12; Ordinance 3718, Sections 1, 2, 4; Ordinance 3782, Section 1; Ordinance 3952, Sections 1, 2, 3, 4, 5; Ordinance 4365, Sections 8, 9, 10, 11, 12, 13, 14; Ordinance 4462, Section 15; Ordinance 5061, Section 3; and Ordinance 7990, Sections 40, 41, 42, 43; and, K.C.C. 21.04.415; 21.04.420; 21.54.010-.190 and prescribing penalties.

38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

PREAMBLE:

THE COUNCIL HEREBY FINDS THAT:

1. King County is experiencing rapid growth, both in its cities and in unincorporated King County. The development of residences, businesses, shopping areas and other structures, and the clearing of land for accommodation of livestock and for such development all have the potential of impacting the county's natural environment. These activities have been identified as having the potential to cause excessive and adverse impacts particularly on certain types of environmental features.
2. The environmental features identified as sensitive areas which require regulation by King County are: coal mine hazard areas, landslide hazard areas, seismic hazard areas, erosion hazard areas, volcanic hazard areas, steep slopes, floodplains and streams and wetlands.
3. The Sensitive Areas Ordinance will implement the goals and policies of the 1985 King County Comprehensive Plan.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61
4. The 1990 Washington State Legislature approved ESHB 2929 (1990 Wash. Laws 17) which mandates that certain counties and cities within those counties address the protection of critical areas. Critical areas as defined in ESHB 2929 correlate generally with the King County definitions and categories of sensitive areas. This Sensitive Areas Ordinance is designed to meet the challenges and satisfy the requirements of this act with regard to all critical areas except aquifer recharge areas, which will require a different regulatory approach.
5. Regulation of the use of sensitive areas benefits property owners by preventing and avoiding activities which would have adverse impacts on property.
6. Abandoned mining activities pose a hazard in certain identified areas of King County and require special consideration prior to development.
7. Filling or building in floodplains reduces the flood storage capacity of a stream or river system and increases flooding upstream and peak flow rates downstream.
8. Development in erosion hazard and landslide hazard areas present a danger to the development on the site as well as neighboring sites and natural resources, and require special design, construction and site development measures to minimize risks from these hazards.
9. King County is an earthquake prone region subject to ground shaking, subsidence, landslide and liquefaction and special building design and construction measures are necessary to minimize risk from this hazard.
10. Some portions of King County have also been identified as having volcanic hazards associated with Mt. Rainier. This hazard requires some unique protection for the portions of the county which could experience mudflows during a volcanic episode.
11. Development on slopes 40% or greater can result in soil erosion and sedimentation, landslide, slippage, excess surface water runoff, destruction of wildlife habitat, increased costs of building and maintaining roads and public facilities and increased need for emergency relief and rescue operations.
12. Wetlands and streams are environmentally sensitive and serve numerous natural functions and values which are critical. These functions include wildlife and fisheries habitat, water quality protection, flood protection, shoreline stabilization, stream flow, and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced.
13. The King County Council in enacting this ordinance has relied on extensive scientific documentation and testimony concerning these sensitive areas and the appropriate methods and mechanisms for their protection. This documentation is set out more fully in the staff reports to the King County Growth Management Committee meetings, particularly for the dates of June 26, July 3 and July 10, 1990 and in the bibliography which was also prepared for the Council's consideration, entitled Sensitive Areas Bibliography and dated May 1990.

1 14. The process for public review and comment on this  
 2 ordinance has been extensive and exhaustive. The  
 3 ordinance was transmitted to the Council by the  
 4 Executive in March of 1989, and was subject to two  
 5 formal public hearings in 1989, 7 public meetings held  
 6 in the community in 1990, 10 committee meetings, and a  
 7 final public hearing in August of 1990. The ordinance  
 8 was redrafted several times in response to the  
 9 extensive testimony before the King County Council and  
 10 the Growth Management Committee.

11 15. It is the legislative judgment of the King County  
 12 Council that the standards set out in this ordinance  
 13 are the minimum necessary to accomplish the purposes  
 14 of the ordinance.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 I. PURPOSE, SCOPE, GENERAL PROVISIONS

17 SECTION 1. Ordinance 1527, Sections 1 through 8;  
 18 Ordinance 1528, Sections 1, 2; Ordinance 2985, Sections 11, 12;  
 19 Ordinance 3718, Sections 1, 2, 4; Ordinance 3782, Section 1;  
 20 Ordinance 3952, Sections 1 through 5; Ordinance 4365, Sections  
 21 8 through 14; Ordinance 4462, Section 15; Ordinance 5061,  
 22 Section 3; Ordinance 7990, Sections 40 through 43; and  
 23 K.C.C. 21.04.415, K.C.C. 21.04.420 and K.C.C. 21.54.010 through  
 24 21.54.190 are each hereby repealed.

25 NEW SECTION. SECTION 2. There is hereby added to  
 26 K.C.C. 21.54 a new section to read as follows:

27 Purpose.

28 The purpose of this ordinance is to identify  
 29 environmentally sensitive areas and to supplement the  
 30 development requirements contained in the various use  
 31 classifications in the King County Code by providing for  
 32 additional controls without violating any citizen's  
 33 constitutional rights.

34 Coal mine, erosion, flood, landslide, seismic, steep slope  
 35 and volcanic hazard areas, and streams, wetlands and protective  
 36 buffers, all as defined in K.C.C. Title 21, constitute  
 37 environmentally sensitive areas that are of special concern to  
 38 King County. The standards and mechanisms established in this  
 39 ordinance are intended to protect these environmentally  
 40 sensitive features in King County. By regulating development  
 41 and alterations to sensitive areas this ordinance seeks to:

1 A. Protect members of the public and public resources and  
2 facilities from injury, loss of life, property damage or  
3 financial losses due to flooding, erosion, landslides, seismic  
4 and volcanic events, soil subsidence or steep slope failures;

5 B. Protect unique, fragile and valuable elements of the  
6 environment including wildlife and its habitat;

7 C. Mitigate unavoidable impacts to environmentally  
8 sensitive areas by regulating alterations in and adjacent to  
9 sensitive areas;

10 D. Prevent cumulative adverse environmental impacts to  
11 water availability, water quality, wetlands and streams;

12 E. Protect the public trust as to navigable waters and  
13 aquatic resources;

14 F. Meet the requirements of the National Flood Insurance  
15 Program and maintain King County as an eligible community for  
16 federal flood insurance benefits.

17 G. Alert members of the public including, but not limited  
18 to appraisers, owners, potential buyers or lessees to the  
19 development limitations of sensitive areas;

20 H. Provide county officials with sufficient information  
21 to protect sensitive areas; and

22 I. Implement the policies of the State Environmental  
23 Policy Act, Chapter 43.21C RCW, K.C.C. Chapter 20.44, the King  
24 County Charter, the King County Comprehensive Plan and all  
25 county functional and community plans.

26 NEW SECTION. SECTION 3. There is hereby added to  
27 K.C.C. 21.54 a new section to read as follows:

28 Applicability.

29 A. The regulations and standards of K.C.C. Title 21  
30 pertaining to the several use classifications shall be subject  
31 to the general provisions, requirements, and conditions  
32 contained in this chapter. When any provision of any other  
33 chapter of the King County Code conflicts with this chapter,  
34 that which provides more protection to the sensitive areas  
35 shall apply unless specifically provided otherwise in this  
36 chapter; provided, such exceptions shall not conflict with

1 state regulations, such as the state Shorelines Master Program,  
2 Chapter 173-19 WAC.

3 B. Prior to fulfilling the requirements of this chapter,  
4 King County shall not grant any approval or permission to alter  
5 the condition of any land, water or vegetation, or to construct  
6 or alter any structure or improvement including but not limited  
7 to the following:

8 building permit, commercial or residential; binding site  
9 plan; conditional use permit; franchise right-of-way  
10 construction permit; grading and clearing permit; master plan  
11 development; planned unit development, right-of-way permit;  
12 shoreline conditional use permit; shoreline environmental  
13 redesignation; shoreline substantial development permit;  
14 shoreline variance; short subdivision; special use permit;  
15 subdivision; unclassified use permit; utility and other use  
16 permit; variance; zone reclassification; or any subsequently  
17 adopted permit or required approval not expressly exempted by  
18 this chapter.

19 C. King County shall perform a sensitive areas review for  
20 any King County permit or approval requested for a development  
21 proposal on a site which includes or is adjacent to one or more  
22 sensitive areas unless otherwise provided in this chapter.

23 As part of all development applications:

24 1. King County shall verify the information submitted  
25 by the applicant to:

26 a. Confirm the nature and type of the sensitive areas  
27 and evaluate the special sensitive areas study;

28 b. Determine whether the development proposal is  
29 consistent with this chapter;

30 c. Determine whether any proposed alterations to  
31 sensitive areas are necessary;

32 d. Determine if the mitigation and monitoring plans  
33 and bonding measures proposed by the applicant are sufficient  
34 to protect the public health, safety and welfare consistent  
35 with the goals, purposes, objectives and requirements of this  
36 chapter.

- 1           2. The applicant shall submit an affidavit which:
- 2           a. Declares that the applicant has no knowledge that
- 3 sensitive areas on the development proposal site have been
- 4 illegally altered, and that the applicant previously has not
- 5 been found in violation of sensitive areas regulations for any
- 6 property in King County, pursuant to Title 23 or that any
- 7 violations have been cured to the satisfaction of King County;
- 8           b. Demonstrates that any development proposal
- 9 submitted conforms to the purposes, standards and protection
- 10 mechanisms of this chapter;
- 11           c. If required, prepare a special sensitive areas
- 12 study in accordance with Section 5:
- 13           D. King County may approve, approve with conditions, or
- 14 deny any development proposal in order to comply with the
- 15 requirements and carry out the goals, purposes, objectives and
- 16 requirements of this chapter.
- 17           E. Approval of a development proposal pursuant to the
- 18 provisions of this chapter does not discharge the obligation of
- 19 the applicant to comply with the provisions of this chapter.
- 20           F. The provisions of this chapter shall apply to all
- 21 forest practices over which the county has jurisdiction
- 22 pursuant to Chapter 76.09 RCW, Title 222 WAC, and any
- 23 Memorandum of Understanding between the Washington Department
- 24 of Natural Resources and King County, and to all property which
- 25 has been cleared and/or graded without an approved Class IV
- 26 General forest practice application and which is subsequently
- 27 proposed for development.
- 28           NEW SECTION. SECTION 4. There is hereby added to
- 29 K.C.C. 21.54 a new section to read as follows:
- 30           General Exemptions.
- 31           The following are exemptions to the provisions of this
- 32 ordinance and the administrative rules.
- 33           A. Emergencies that threaten the public health, safety
- 34 and welfare;
- 35           B. Structures in existence on the date this chapter
- 36 becomes effective and that do not meet the setback or buffer
- 37 requirements of this chapter for wetlands, streams, or steep

1 slope hazard areas may be remodelled, reconstructed or replaced  
2 provided that the new construction or related activity does not  
3 further intrude into a stream, wetland, steep slope, or  
4 associated buffers and is subject to the restrictions of the  
5 flood hazard areas for reconstruction. Provided further,  
6 however, that new construction or related activity connected  
7 with an existing single family residence shall not be  
8 considered further intruding into an associated buffer so long  
9 as the footprint of the structure lying within the sensitive  
10 area is not increased by more than 1000 square feet and no  
11 portion of the structure is located closer to the stream,  
12 wetland or steep slope than the existing structure.

13 C. For the following agricultural activities in existence  
14 on the date this chapter becomes effective:

15 1. Grazing of livestock; provided, it is consistent  
16 with sections 90 and 94, administrative rules, and any animal  
17 density limitations established by ordinance;

18 2. Mowing of hay, grass or grain crops;

19 3. Tilling, discing, planting, seeding, harvesting and  
20 related activities for pasture, food crops, grass seed or sod;  
21 provided that such activities shall not involve the conversion  
22 of any Class I or II wetland or buffer or Class I or II stream  
23 or buffer not currently under agricultural use and shall not  
24 take place on steep slopes;

25 4. Normal and routine maintenance of existing  
26 irrigation and drainage ditches; provided, however, that this  
27 exception shall not apply to any ditches used by salmonids.

28 5. Normal and routine maintenance of farm ponds, fish  
29 ponds, manure lagoons, and livestock watering ponds; provided  
30 that such activities shall not involve conversion of any  
31 wetland not currently being used for such activity.

32 D. For the following electric, natural gas, cable  
33 communications, and telephone utility-related activities when  
34 undertaken pursuant to county-approved best management  
35 practices:

36 1. Normal and routine maintenance or repair of existing  
37 utility structures or right-of-way;

1           2. Relocation of electric facilities, lines, equipment  
2 or appurtenances, not including substations, with an associated  
3 voltage of 55,000 volts or less only when required by a local  
4 governmental agency which approves the new location of the  
5 facilities; and

6           3. Relocation of natural gas, cable communications, gas  
7 and telephone facilities, lines, pipes, mains, equipment or  
8 appurtenances only when required by a local governmental agency  
9 which approves the new location of the facilities;

10          4. Installation or construction in improved county road  
11 right-of-way, and replacement, operation or alteration, of  
12 all electric facilities, lines, equipment or appurtenances, not  
13 including substations, with an associated voltage of 55,000  
14 volts or less;

15          5. Installation or construction in improved county road  
16 right-of-way, and replacement, operation, repair or alteration  
17 of all natural gas, cable communications and telephone  
18 facilities, lines, pipes, mains, equipment or appurtenances.

19          E. Public agency development proposals only to the extent  
20 of any construction contract awarded before the effective date  
21 of the ordinance, provided that any regulation in effect at the  
22 time of such award shall apply to such proposal.

23          NEW SECTION. SECTION 5. There is hereby added to K.C.C.  
24 21.54 a new section to read as follows:

25           Sensitive Areas Special Studies.

26          A. Required. An applicant for a development proposal  
27 that includes, or is adjacent to, or could have probable  
28 significant adverse impacts to sensitive areas shall submit  
29 such special studies as are required by King County to  
30 adequately evaluate the proposal and all probable impacts.

31          B. Waivers. King County may waive the requirement for a  
32 special study if there is substantial showing that:

33           1. There will be no alteration of the sensitive areas  
34 or required buffer; and

35           2. The development proposal will not impact the  
36 sensitive area in a manner contrary to the goals, purposes,  
37 objectives and requirements of this ordinance; and



1           3. The minimum standards required by this chapter are  
2 met.

3           C. Exceptions. No special study is required for the  
4 following development proposals:

5           1. A residential building permit for the remodel of a  
6 structure when no alteration of the sensitive area will occur  
7 as a result of the remodel activity or any associated  
8 construction for additional parking;

9           2. A residential building permit for a lot which was  
10 subject to a previous special study of sensitive areas;  
11 provided that the previous special study adequately identified  
12 the impacts associated with the current development proposal.

13           3. King county shall make such field investigations as  
14 are necessary to determine if the criteria for an exception are  
15 satisfied.

16           D. Contents of special study. Sensitive area special  
17 studies shall identify and characterize any sensitive area as a  
18 part of the larger development proposal site, assess any  
19 hazards to the proposed development, assess impacts of the  
20 development proposal on any sensitive areas on or adjacent to  
21 the development proposal site, and assess the impacts of any  
22 alteration proposed for a sensitive area. Studies shall  
23 propose adequate mitigation, maintenance and monitoring plans  
24 and bonding measures. Sensitive area special studies shall  
25 include a scale map of the development proposal site and a  
26 written report.

27           NEW SECTION. SECTION 6. There is hereby added to  
28 K.C.C. 21.54 a new section to read as follows:

29           Public Agency and Utility Exception

30           A. If the application of this ordinance would prohibit a  
31 development proposal by a public agency or public utility, the  
32 agency or utility may apply for an exception pursuant to this  
33 section. The public agency or utility shall apply to the  
34 building and land development division and shall be heard by  
35 the zoning and subdivision examiner for any development  
36 proposals not qualifying under Section 4. The public agency or  
37 utility shall prepare a report to the examiner and shall

1 incorporate other required documents such as permit  
2 applications, special studies and SEPA documents.

3 B. The examiner shall review the applications pursuant to  
4 the provisions of K.C.C. 20.24.070, and make a recommendation  
5 to the Council based on the following criteria:

6 1. There is no other practical alternative to the  
7 proposed development with less impact on the sensitive area;  
8 and

9 2. The proposal minimizes the impact on sensitive  
10 areas.

11 C. This exemption shall not allow the use of the  
12 following sensitive areas for regional retention/detention  
13 facilities except where there is a clear showing the facility  
14 will protect public health and safety or repair damaged natural  
15 resources:

16 1. Class 1 streams or buffers;

17 2. Class 1 or 2 wetlands or their buffers with plant  
18 associations of infrequent occurrence;

19 3. Class 1 or 2 wetlands or their buffers which provide  
20 critical or outstanding actual habitat for the following unless  
21 clearly demonstrated by the applicant that there would be no  
22 impact on critical or outstanding actual habitat for:

23 a. Species listed by the federal government or state  
24 as endangered or threatened as needing special protection.

25 b. Herons.

26 c. Raptors.

27 NEW SECTION. SECTION 7. There is hereby added to  
28 K.C.C. 21.54 a new section to read as follows:

29 Reasonable Use Exception.

30 A. If the application of this ordinance would deny all  
31 reasonable use of the property, development may be allowed  
32 which is consistent with the general purposes of this ordinance  
33 and the public interest.

34 B. An application for a sensitive areas reasonable use  
35 exception shall be filed with the building and land development  
36 division and shall be heard by the zoning and subdivision  
37 examiner who shall seek legal advice from and consult with the

1 Prosecuting Attorney and shall issue a final decision pursuant  
2 to the provisions of K.C.C. 20.24.080.

3 C. The examiner, in recommending approval of the  
4 reasonable use exception, must determine that:

5 1. Application of this ordinance would deny all  
6 reasonable use of the property; and,

7 2. There is no other reasonable use with less impact on  
8 the sensitive area; and,

9 3. The proposed development does not pose an  
10 unreasonable threat to the public health, safety or welfare on  
11 or off the development proposal site; and,

12 4. Any alterations permitted to these sensitive areas  
13 shall be the minimum necessary to allow for reasonable use of  
14 the property.

15 D. Any authorized alteration of a sensitive area under  
16 this section shall be subject to conditions established by King  
17 County and shall require mitigation under an approved  
18 mitigation plan.

19 E. Except when application of this Chapter would deny all  
20 reasonable use of the property, an applicant who seeks an  
21 exception from the standards and requirements of this ordinance  
22 shall pursue relief by means of a variance as provided in  
23 K.C.C. 21.58.

24 NEW SECTION. SECTION 8. There is hereby added to  
25 K.C.C. 21.54 a new section to read as follows:

26 Appeals.

27 A. Any decision to require a special sensitive area study  
28 pursuant to this chapter may be appealed to the zoning and  
29 subdivision examiner pursuant to K.C.C. 20.24.080 and  
30 K.C.C. 20.24.090.

31 B. Any decision to approve, condition or deny a  
32 development proposal based on the requirements of this chapter  
33 may be appealed according to the appeal procedure for the  
34 permit or approval involved.

35 C. Any decision authorized by this chapter where no  
36 administrative appeal process exists may be appealed to the

1 zoning and subdivision examiner pursuant to K.C.C. 20.24.080  
 2 and K.C.C. 20.24.090.

3 SECTION 9. Resolution 25789, Section 2801 and  
 4 K.C.C. 21.58.020 are each hereby amended to read as follows:

5 Required Showings For A Variance.

6 Before any variance may be granted, it shall be shown:

7 A. Because of special circumstances applicable to subject  
 8 property, including size, shape, topography, location or  
 9 surroundings, the strict application of the zoning code is  
 10 found to deprive subject property of rights and privileges  
 11 enjoyed by other properties in the vicinity and under identical  
 12 zone classification ((+)). Provided, however, the fact that  
 13 surrounding properties have been developed under regulations in  
 14 force prior to the adoption of this ordinance shall not be the  
 15 sole basis for the granting of a variance.

16 B. The granting of the variance will not be materially  
 17 detrimental to the public welfare or injurious to the property  
 18 or improvements in the vicinity and zone in which the property  
 19 is situated ((+)), or contrary to the goals and purposes of the  
 20 sensitive areas code as set out in K.C.C. Chapter 21.54.

21 C. In the case of sensitive areas as defined in K.C.C.  
 22 Chapter 21.54, the variance granted shall be the minimum  
 23 necessary to accommodate the permitted uses.

24 NEW SECTION. SECTION 10. There is hereby added to  
 25 K.C.C. 21.54 a new section to read as follows:

26 Density credits.

27 A. For development proposals on lands containing stream  
 28 and wetland buffers, steep slopes, landslide hazard areas or  
 29 required buffers, King County shall determine allowable  
 30 dwelling units for residential development proposals based on  
 31 the formula below.

32 Percentage of site in buffers  
 33 and/or sensitive areas

	Density Credit
34 1 - 10%	100%
35 11 - 20%	90%
36 21 - 30%	80%
37 31 - 40%	70%

1	41 - 50%	60%
2	51 - 60%	50%
3	61 - 70%	40%
4	71 - 80%	30%
5	81 - 90%	20%
6	91 - 99%	10%

7 B. The density credit can only be transferred within the  
 8 development proposal site. The applicant may reduce lot sizes  
 9 below the minimum required for that zone to accommodate the  
 10 transfer of density but it can not change the residential uses  
 11 permitted in the zone. Density credits within the A-R  
 12 classification shall be subject to the clustering provisions in  
 13 the A-R zone.

14 C. For development proposals on lands containing coal  
 15 mine, erosion, seismic, volcanic hazard areas, and flood hazard  
 16 areas, King County shall allow full credit for density for the  
 17 portions of the site occupied by these features.

18 D. For development proposals on lands containing  
 19 wetlands, and streams, King County shall only allow credit for  
 20 density for the area occupied by the stream and wetland buffers  
 21 and not the stream and wetland themselves.

22 NEW SECTION. SECTION 11. There is hereby added to  
 23 K.C.C. 21.54 a new section to read as follows:

24 Sensitive Areas Maps and Inventories.

25 A. The distribution of many environmentally sensitive  
 26 areas in western King County is displayed on maps in the  
 27 Sensitive Areas Map Folio. Many of the wetlands have been  
 28 inventoried and rated and that information is published in the  
 29 King County Wetlands Inventory Notebooks. Many flood hazard  
 30 areas are mapped by the Federal Insurance Administration in a  
 31 scientific and engineering report entitled "The Flood Insurance  
 32 Study for King County." These maps and the Inventory are  
 33 hereby adopted by reference. The actual presence or absence of  
 34 the features defined in K.C.C. Title 21 as sensitive areas, as  
 35 determined by King County, shall govern.

1 B. All revisions, updates and reprintings of sensitive  
2 areas maps and inventories shall be conformed to this  
3 ordinance.

4 NEW SECTION. SECTION 12. There is hereby added to  
5 K.C.C. 21.54 a new section to read as follows:

6 Notice on Title.

7 A. The owner of any property on which a development  
8 proposal is submitted shall file for record with the Records  
9 and Elections Division of King County a notice approved by the  
10 Department in a form substantially as set forth in (B), below.  
11 Such notice shall provide notice in the public record of the  
12 presence of a sensitive area or buffer, the application of this  
13 ordinance to the property, and that limitations on actions in  
14 or affecting such areas or buffers may exist.

15 The applicant shall submit proof that the notice has been  
16 filed for record before King County shall approve any  
17 development proposal for such site. The notice shall run with  
18 the land and failure to provide such notice to any purchaser  
19 prior to transferring any interest in the property shall be a  
20 violation of this ordinance.

21 B. The department shall develop and adopt by  
22 administrative rule notices required under subsection A.

23 NEW SECTION. SECTION 13. There is hereby added to  
24 K.C.C. 21.54 a new section to read as follows:

25 Sensitive Area Tracts and Setback Areas.

26 A. Sensitive area tracts shall be used to protect all  
27 landslide and steep slopes hazard areas, and streams and  
28 wetlands in proposals for master plan developments (MPD's),  
29 subdivisions, or binding site plan to which they apply and  
30 shall be recorded on all documents of title of record for all  
31 affected lots.

32 Any required sensitive area tract shall either be held in  
33 an undivided interest by each owner of a building lot within  
34 the development, and this ownership interest shall pass with  
35 the ownership of the lot or shall be held by an incorporated  
36 homeowner's association or other legal entity which assures the  
37 ownership and protection of the tract.

1           B. Setback Areas. Sensitive area setback areas shall  
2 delineate wetlands, streams, steep slopes hazard areas,  
3 landslide hazard areas, and required buffers in development  
4 proposals for building permits, short subdivisions and grading  
5 and clearing permits. The setback area shall be identified on  
6 a site plan which is filed as an attachment to the notice on  
7 title required by Section 12.

8           NEW SECTION. SECTION 14. There is hereby added to  
9 K.C.C. 21.54 a new section to read as follows:

10           Temporary marking, permanent survey marking, signs.

11           A. Temporary marking. Prior to commencing construction  
12 activities on a development proposal site, the applicant shall  
13 mark, as required by King County, sensitive areas in a highly  
14 visible manner, such as yellow caution tape, and these areas  
15 must remain so marked until all development proposal activities  
16 in the vicinity of the sensitive area are completed.

17           B. Survey markers. Permanent survey stakes using iron or  
18 cement markers as established by current survey standards shall  
19 be set delineating the boundary between adjoining property and  
20 the sensitive areas tracts.

21           C. Signs. The boundary between a sensitive area tract  
22 and adjacent land shall be identified using permanent signs.

23           NEW SECTION. SECTION 15. There is hereby added to  
24 K.C.C. 21.54 a new section to read as follows:

25           Mitigation.

26           A. "Mitigation" means the use of the following actions  
27 that are listed in descending order of preference:

28           1. Avoiding the impact all together by not taking a  
29 certain action or parts of an action;

30           2. Minimizing impact by limiting the degree or  
31 magnitude of the action and its implementation, by using  
32 appropriate technology, or by taking affirmative steps to avoid  
33 or reduce impact;

34           3. Rectifying the impact by repairing, rehabilitating  
35 or restoring the affected sensitive areas;

1           4. Reducing or eliminating the impact over time by  
2 prevention and maintenance operations during the life of the  
3 actions;

4           5. Compensating for the impact by replacing, enhancing,  
5 or providing substitute sensitive areas and environments;

6           6. Monitoring the impact and taking appropriate  
7 corrective measures.

8           B. It is the goal of King County to achieve no overall  
9 net loss of wetlands and streams functions and values and to  
10 measure the quantity and quality of the wetlands and streams  
11 resource base.

12           C. Mitigation measures shall be in place to protect the  
13 sensitive areas and its buffer from alterations occurring on  
14 all or portions of the site that are being developed.

15           D. A mitigation plan shall be required for the design,  
16 implementation, maintenance and monitoring of mitigation.

17           NEW SECTION. SECTION 16. There is hereby added to  
18 K.C.C. 21.54 a new section to read as follows:

19           Monitoring.

20           A. King County may require monitoring when mitigation is  
21 required for the alteration of a sensitive area.

22           B. Where monitoring reveals a significant deviation from  
23 predicted impacts or a failure of mitigation measures, the  
24 applicant shall be responsible for appropriate corrective  
25 action which, when approved, shall be subject to monitoring.

26           NEW SECTION. SECTION 17. There is hereby added to  
27 K.C.C. 21.54 a new section to read as follows:

28           Sensitive Areas Mitigation Fund.

29           There is hereby created a Sensitive Areas Mitigation Fund  
30 which shall be administered by the office of finance. All  
31 funds received from civil penalties resulting from violations  
32 of this ordinance shall be deposited in the fund which shall be  
33 used only for the purpose of paying all or part of the cost and  
34 expense of enforcing and implementing this ordinance. Monies  
35 in said fund not needed for immediate expenditure shall be  
36 invested for the benefit of the sensitive areas mitigation fund  
37 pursuant to RCW 36.29.020. For investment purposes, the



1 director of the department of parks, planning and resources is  
2 hereby designated the fund manager.

3 II. DEFINITIONS

4 NEW SECTION. SECTION 18. There is hereby added to  
5 K.C.C. 21.04 a new section to read as follows:

6 Adjacent.

7 "Adjacent" means, for the purposes of sensitive areas,  
8 within 500 feet of a sensitive area.

9 NEW SECTION. SECTION 19. There is hereby added to  
10 K.C.C. 21.04 a new section to read as follows:

11 Alteration.

12 "Alteration" means any human-induced action which  
13 adversely impacts the existing condition of a sensitive area.  
14 Alterations include but are not limited to grading; filling;  
15 dredging; draining; channelizing; cutting, pruning, limbing or  
16 topping, clearing, relocating or removing vegetation; applying  
17 herbicides or pesticides or any hazardous or toxic substance;  
18 discharging pollutants excepting stormwater; grazing domestic  
19 animals; paving, construction, application of gravel; modifying  
20 for surface water management purposes; or any other human  
21 activity that adversely impacts the existing vegetation,  
22 hydrology, wildlife or wildlife habitat. Alteration does not  
23 include walking, passive recreation, fishing or other similar  
24 activities.

25 NEW SECTION. SECTION 20. There is hereby added to  
26 K.C.C. 21.04 a new section to read as follows:

27 Applicant.

28 "Applicant" means any person or business entity which  
29 applies for a development proposal, permit or approval subject  
30 to review under the sensitive areas code.

31 NEW SECTION. SECTION 21. There is hereby added to  
32 K.C.C. 21.04 a new section to read as follows:

33 Base flood.

34 "Base flood" means a flood having a one percent chance of  
35 being equaled or exceeded in any given year. It is also  
36 referred to as the "100 - year flood." The base flood is  
37 determined for existing conditions, unless a basin plan

1 including projected flows under future developed conditions has  
2 been completed and adopted by King County, in which case these  
3 future flow projections shall be used. In areas where the  
4 Flood Insurance Study includes detailed base flood  
5 calculations, those calculations may be used until projections  
6 of future flows are completed and approved by King County.

7 NEW SECTION. SECTION 22. There is hereby added to  
8 K.C.C. 21.04 a new section to read as follows:

9 Base flood elevation.

10 "Base flood elevation" means the water surface elevation  
11 of the base flood. It shall be referenced to the National  
12 Geodetic Vertical Datum of 1929.

13 NEW SECTION. SECTION 23. There is hereby added to  
14 K.C.C. 21.04 a new section to read as follows:

15 Biologist.

16 "Biologist" means a person who has earned a degree in  
17 biological sciences from an accredited college or university,  
18 or a person who has equivalent educational training and has  
19 experience as a practicing biologist.

20 NEW SECTION. SECTION 24. There is hereby added to  
21 K.C.C. 21.04 a new section to read as follows:

22 Buffer.

23 "Buffer" means a designated area adjacent to and a part of  
24 a steep slope or landslide hazard area which protects slope  
25 stability, attenuation of surface water flows and landslide  
26 hazards reasonably necessary to minimize risk; or a designated  
27 area adjacent to and a part of a stream or wetland that is an  
28 integral part of the stream or wetland ecosystem.

29 NEW SECTION. SECTION 25. There is hereby added to  
30 K.C.C. 21.04 a new section to read as follows:

31 Building setback line.

32 "Building setback line" means a line which establishes a  
33 definite point beyond which the foundation of a building shall  
34 not extend.

35 NEW SECTION. SECTION 26. There is hereby added to  
36 K.C.C. 21.04 a new section to read as follows:

1 Canopy.

2 "Canopy" means the highest layer of vegetation within a  
3 forest community.

4 NEW SECTION. SECTION 27. There is hereby added to  
5 K.C.C. 21.04 a new section to read as follows:

6 Clearing.

7 "Clearing" means the cutting or removal of vegetation or  
8 other organic plant material by physical, mechanical, or  
9 chemical, or any other means.

10 SECTION 28. Ordinance 4365, Section 3 and  
11 K.C.C. 21.04.225 are each hereby amended to read as follows:

12 Coal mine hazard areas.

13 "Coal mine hazard areas" means those areas of King County  
14 directly underlain by or adjacent to or affected by abandoned  
15 coal mine workings such as adits, tunnels, drifts or air shafts  
16 (~~(or where mine tailings are present)~~).

17 NEW SECTION. SECTION 29. There is hereby added to  
18 K.C.C. 21.04 a new section to read as follows:

19 Compensatory storage.

20 "Compensatory storage" means new, excavated storage  
21 volume equivalent to any flood storage capacity which has been  
22 or would be eliminated by filling or grading within the flood  
23 fringe. Equivalent shall mean that the storage removed shall  
24 be replaced by equal volume between corresponding one foot  
25 contour intervals that are hydraulically connected to the  
26 floodway through their entire depth.

27 NEW SECTION. SECTION 30. There is hereby added to  
28 K.C.C. 21.04 a new section to read as follows:

29 Critical drainage area.

30 "Critical drainage area" means an area which has been  
31 formally determined by the department of public works surface  
32 water management division to require more restrictive  
33 regulation than county-wide standards afford, in order to  
34 mitigate severe flooding, drainage, erosion or sedimentation  
35 problems, which have resulted or will result from the  
36 cumulative impacts of development and urbanization.

1           NEW SECTION. SECTION 31. There is hereby added to  
2 K.C.C. 21.04 a new section to read as follows:

3           Critical facilities.

4           "Critical facilities" means those facilities necessary to  
5 protect the public health, safety and welfare which are defined  
6 under the occupancy categories of Essential Facilities,  
7 Hazardous Facilities and Special Occupancy Structures in the  
8 Uniform Building Code, Table No. 23-K (1988). These facilities  
9 include but are not limited to schools, hospitals, police  
10 stations, fire departments and other emergency response  
11 facilities, and nursing homes. Critical facilities also  
12 include sites of hazardous materials storage or production.

13           NEW SECTION. SECTION 32. There is hereby added to  
14 K.C.C. 21.04 a new section to read as follows:

15           Development proposal.

16           "Development proposal" means any of the activities  
17 relating to the use and/or development of land requiring a  
18 permit or approval from King County as set out in section 3.

19           NEW SECTION. SECTION 33. There is hereby added to  
20 K.C.C. 21.04 a new section to read as follows:

21           Development proposal site.

22           "Development proposal site" means, for purposes of the  
23 sensitive areas code, the legal boundaries of the parcel or  
24 parcels of land for which an applicant has applied for  
25 authority from King County to carry out a development proposal.

26           NEW SECTION. SECTION 34. There is hereby added to  
27 K.C.C. 21.04 a new section to read as follows:

28           Enhancement.

29           "Enhancement" means an action which increases the  
30 functions and values of a stream, wetland, or other sensitive  
31 area.

32           NEW SECTION. SECTION 35. There is hereby added to  
33 K.C.C. 21.04 a new section to read as follows:

34           Erosion.

35           "Erosion" means the process in which soil particles are  
36 mobilized and transported by natural agents such as wind, rain  
37 splash, frost action or stream flow.

1           SECTION 36. Ordinance 4365, Section 2 and  
2 K.C.C. 21.04.345 are each hereby amended to read as follows:  
3           Erosion hazard areas.

4           "Erosion hazard areas" means those areas of King County  
5 containing soils which, according to the USDA Soil Conservation  
6 Service, the Snoqualmie Pass Area Soil Survey dated 1990, King  
7 County Soils Survey dated 1973 and any subsequent revisions or  
8 additions thereto, may experience severe to very severe erosion  
9 hazard. (~~According to the King County Soils Survey dated~~  
10 ~~1973,7~~) This group of soils includes but are not limited to the  
11 following when they occur on slopes of 15% or greater:  
12 Alderwood gravelly sandy loam (AgD), Alderwood-Kitsap (~~(AKF)~~)  
13 (AkF), Beausite gravelly sandy loam (BeD and BeF), Kitsap silt  
14 loam (KpD), Ovall gravelly sandy loam (OvD and OvF), Ragnar  
15 fine sandy loam (RaD), Ragnar-Indianola Association (RdE)  
16 (~~(T)~~); any occurrence of River Wash (Rh), or Coastal Beaches  
17 (Cb).

18           NEW SECTION. SECTION 37. There is hereby added to  
19 K.C.C. 21.04 a new section to read as follows:

20           Flood hazard areas.

21           "Flood hazard areas" means those areas of King County  
22 subject to inundation by the base flood. These include, but  
23 are not limited to streams, lakes, wetlands, and closed  
24 depressions. A flood hazard area consists of the following  
25 components which shall be determined by King County after  
26 obtaining, reviewing, and utilizing base flood elevation and  
27 available floodway data.

28           A. Floodplain. "Floodplain" means the total area subject  
29 to inundation by the base flood.

30           B. Flood fringe. "Flood fringe" means that portion of  
31 the floodplain outside of the zero-rise floodway which is  
32 covered by floodwaters during the base flood; it is generally  
33 associated with standing water rather than rapidly flowing  
34 water.

35           C. Federal Emergency Management Agency Floodway.

36           "Federal Emergency Management Agency (FEMA) floodway" means the  
37 channel of the stream and that portion of the adjoining

1 floodplain which is necessary to contain and discharge the base  
2 flood flow without increasing the base flood elevation more  
3 than one foot.

4 D. Zero-rise Floodway. "Zero-rise floodway" means the  
5 channel of the stream and that portion of the adjoining  
6 floodplain which is necessary to contain and discharge the base  
7 flood flow without any measurable increase in flood heights. A  
8 measurable increase in base flood height means a calculated  
9 upward rise in the base flood elevation, equal to or greater  
10 than 0.01 foot, resulting from a comparison of existing  
11 conditions and changed conditions directly attributable to  
12 development in the floodplain. This definition is broader than  
13 that of the Federal Emergency Management Agency floodway, but  
14 would always include the FEMA floodway. The boundaries of the  
15 100-year floodplain as shown on the Flood Insurance Study are  
16 considered the boundaries of the zero-rise floodway unless  
17 otherwise delineated by a special sensitive areas study.

18 NEW SECTION. SECTION 38. There is hereby added to  
19 K.C.C. 21.04 a new section to read as follows:

20 Flood Insurance Rate Map.

21 "Flood Insurance Rate Map" means the official map on which  
22 the Federal Insurance Administration has delineated some areas  
23 of flood hazard.

24 NEW SECTION. SECTION 39. There is hereby added to  
25 K.C.C. 21.04 a new section to read as follows:

26 Flood Insurance Study.

27 "Flood Insurance Study" means the official report provided  
28 by the Federal Insurance Administration which includes flood  
29 profiles and the Flood Insurance Rate Map.

30 NEW SECTION. SECTION 40. There is hereby added to  
31 K.C.C. 21.04 a new section to read as follows:

32 Flood-proofing.

33 "Flood-proofing" means adaptations that will provide that  
34 a structure is substantially impermeable to the passage of  
35 water below the flood protection elevation and resists  
36 hydrostatic and hydrodynamic loads including the impacts of  
37 buoyancy.

1        NEW SECTION. SECTION 41. There is hereby added to  
2 K.C.C. 21.04 a new section to read as follows:

3        Flood protection elevation.

4        "Flood protection elevation" means an elevation that is  
5 one foot above the base flood elevation.

6        NEW SECTION. SECTION 42. There is hereby added to  
7 K.C.C. 21.04 a new section to read as follows:

8        Geologist.

9        "Geologist" means a person who has earned a degree in  
10 geology from an accredited college or university, or a person  
11 who has equivalent educational training and has experience as a  
12 practicing geologist.

13        NEW SECTION. SECTION 43. There is hereby added to  
14 K.C.C. 21.04 a new section to read as follows:

15        Geotechnical engineer.

16        "Geotechnical engineer" means a practicing,  
17 geotechnical/civil engineer licensed as a professional Civil  
18 Engineer with the State of Washington who has at least four  
19 years of professional employment as a geotechnical engineer  
20 with experience in landslide evaluation.

21        NEW SECTION. SECTION 44. There is hereby added to  
22 K.C.C. 21.04 a new section to read as follows:

23        Grading.

24        "Grading" means any excavation, filling, removing of the  
25 duff layer or any combination thereof.

26        NEW SECTION. SECTION 45. There is hereby added to  
27 K.C.C. 21.04 a new section to read as follows:

28        Grazed wet meadows.

29        "Grazed wet meadows" means palustrine emergent wetlands,  
30 typically having up to six inches of standing water during the  
31 wet season and dominated under normal conditions by meadow  
32 emergents such as reed canary grass, spike rushes, bulrushes,  
33 sedges, and rushes. During the growing season, the soil is  
34 often saturated but not covered with water. Grazed wet meadows  
35 frequently have been or are being used for livestock  
36 activities.

1        NEW SECTION. SECTION 46. There is hereby added to  
2 K.C.C. 21.04 a new section to read as follows:

3        Landslide.

4        "Landslide" means episodic downslope movement of a mass of  
5 soil or rock, and includes snow avalanches.

6        NEW SECTION. SECTION 47. There is hereby added to  
7 K.C.C. 21.04 a new section to read as follows:

8        Landslide hazard areas.

9        "Landslide hazard areas" means those areas of King County  
10 subject to a severe risk of landslide. They include the  
11 following areas:

12        A. Any area with a combination of:

13            1. Slopes greater than 15 percent; and

14            2. Impermeable soils (typically silt and clay)

15 frequently interbedded with granular soils (predominately sand  
16 and gravel); and,

17            3. Springs or ground water seepage.

18        B. Any area which has shown movement during the Holocene  
19 epoch (from 10,000 years ago to present) or which is underlain  
20 by mass wastage debris of that epoch.

21        C. Any area potentially unstable as a result of rapid  
22 stream incision, stream bank erosion or undercutting by wave  
23 action.

24        D. Any area which shows evidence of, or is at risk from  
25 snow avalanches.

26        E. Any area located on an alluvial fan, presently subject  
27 to or potentially subject to inundation by debris flows or  
28 deposition of stream-transported sediments.

29        NEW SECTION. SECTION 48. There is hereby added to  
30 K.C.C. 21.04 a new section to read as follows:

31        Light equipment.

32        "Light equipment" means such construction machinery as  
33 chain saws, wheelbarrows, post-hole diggers and all hand-held  
34 tools.

35        NEW SECTION. SECTION 49. There is hereby added to  
36 K.C.C. 21.04 a new section to read as follows:



1           Lowest floor.

2           "Lowest floor" means the lowest enclosed area, including  
3 the basement, of a structure. An area used solely for parking  
4 of vehicles, building access or storage in an area other than a  
5 basement area, is not considered a building's lowest floor;  
6 provided, however, that any such enclosed area meets all of the  
7 structural requirements of the flood hazard protection and  
8 alteration standards.

9           NEW SECTION. SECTION 50. There is hereby added to  
10 K.C.C. 21.04 a new section to read as follows:

11           Mitigation.

12           "Mitigation" means the use of any or all of the following  
13 actions that are listed in descending order of preference:

14           A. Avoiding the impact altogether by not taking a certain  
15 action or parts of an action;

16           B. Minimizing impacts by limiting the degree or magnitude  
17 of the action and its implementation, by using appropriate  
18 technology, or by taking affirmative steps to avoid or reduce  
19 impacts;

20           C. Rectifying the impact by repairing, rehabilitating or  
21 restoring the affected sensitive area;

22           D. Reducing or eliminating the impact over time by  
23 preservation or maintenance operations during the life of the  
24 development proposal;

25           E. Compensating for the impact by replacing, enhancing or  
26 providing substitute sensitive areas and environments;

27           F. Monitoring the impact and taking appropriate  
28 corrective measures.

29           NEW SECTION. SECTION 51. There is hereby added to  
30 K.C.C. 21.04 a new section to read as follows:

31           Monitoring.

32           "Monitoring" means evaluating the impacts of development  
33 proposals on the biological, hydrologic and geologic elements  
34 of such systems and assessing the performance of required  
35 mitigation measures through the collection and analysis of data  
36 by various methods for the purposes of understanding and

1 documenting changes in natural ecosystems and features, and  
2 includes gathering baseline data.

3 NEW SECTION. SECTION 52. There is hereby added to  
4 K.C.C. 21.04 a new section to read as follows:

5 Native vegetation.

6 "Native vegetation" means vegetation comprised of plant  
7 species which are indigenous to the Puget Sound region and  
8 which reasonably could have been expected to naturally occur on  
9 the site. Native vegetation does not include noxious weeds.

10 NEW SECTION. SECTION 53. There is hereby added to  
11 K.C.C. 21.04 a new section to read as follows:

12 Normal rainfall.

13 "Normal rainfall" means that rainfall that is at or near  
14 the mean of the accumulated annual rainfall record, based upon  
15 the water year for King County as recorded at the  
16 Seattle-Tacoma International Airport.

17 NEW SECTION. SECTION 54. There is hereby added to  
18 K.C.C. 21.04 a new section to read as follows:

19 Noxious Weed.

20 "Noxious Weed" means any plant which when established is  
21 highly destructive, competitive, or difficult to control by  
22 cultural or chemical practices (see Chapter 17.10 RCW). The  
23 state noxious weed list in Chapter 16-750 WAC is the officially  
24 adopted list of noxious weeds by the state noxious weed control  
25 board.

26 NEW SECTION. SECTION 55. There is hereby added to  
27 K.C.C. 21.04 a new section to read as follows:

28 Ordinary high water mark.

29 "Ordinary high water mark" means the mark that will be  
30 found by examining the bed and banks of a stream and  
31 ascertaining where the presence and action of waters are so  
32 common and usual, and so long maintained in all ordinary years,  
33 as to mark upon the soil a vegetative character distinct from  
34 that of the abutting upland. In any area where the ordinary  
35 high water mark cannot be found, the line of mean high water  
36 shall substitute. In any area where neither can be found, the  
37 top of the channel bank shall be substituted. In braided

1 channels and alluvial fans, the ordinary high water mark or  
2 substitute shall be measured so as to include the entire stream  
3 feature.

4 NEW SECTION. SECTION 56. There is hereby added to  
5 K.C.C. 21.04 a new section to read as follows:

6 Plant associations of infrequent occurrence.

7 "Plant associations of infrequent occurrence" means one or  
8 more plant species on a landform type which because of the  
9 rarity of the habitat or the species involved or both, or for  
10 other botanical or environmental reasons, do not often occur in  
11 King County.

12 NEW SECTION. SECTION 57. There is hereby added to  
13 K.C.C. 21.04 a new section to read as follows:

14 Public agency.

15 "Public agency" means any agency, political subdivision,  
16 or unit of local government of this state including but not  
17 limited to municipal corporations, special purpose districts,  
18 and local service districts; any agency of the State of  
19 Washington, the United States or any state thereof; or any  
20 Indian tribe recognized as such by the Federal government.

21 NEW SECTION. SECTION 58. There is hereby added to  
22 K.C.C. 21.04 a new section to read as follows:

23 Reasonable Use.

24 "Reasonable Use" is a legal concept that has been  
25 articulated by federal and state courts in regulatory takings  
26 cases.

27 NEW SECTION. SECTION 59. There is hereby added to  
28 K.C.C. 21.04 a new section to read as follows:

29 Regional retention/detention facility.

30 "Regional retention/ detention facility" means a surface  
31 water control structure proposed by the surface water  
32 management division or a project proponent to be installed in  
33 or adjacent to a stream or wetland of a basin or subbasin.

34 NEW SECTION. SECTION 60. There is hereby added to  
35 K.C.C. 21.04 a new section to read as follows:

36 Restoration.

1 "Restoration" means the actions to return a stream,  
2 wetland or other sensitive area to a state in which its  
3 stability, functions and values approach its unaltered state as  
4 closely as possible.

5 NEW SECTION. SECTION 61. There is hereby added to  
6 K.C.C. 21.04 a new section to read as follows:

7 Retention/detention facility.

8 "Retention/detention facility" means a type of drainage  
9 facility designed either to hold water for a considerable  
10 length of time and then release it by evaporation, plant  
11 transpiration and/or infiltration into the ground; or to hold  
12 runoff for a short period of time and then release it to the  
13 surface and storm water management system.

14 NEW SECTION. SECTION 62. There is hereby added to  
15 K.C.C. 21.04 a new section to read as follows:

16 Salmonid.

17 "Salmonid" means a member of the fish family salmonidae.  
18 In King County these include chinook, coho, chum, sockeye and  
19 pink salmon; rainbow, steelhead and cutthroat salmon; brown  
20 trout; Brook and Dolly Varden char, kokanee, and whitefish.

21 NEW SECTION. SECTION 63. There is hereby added to  
22 K.C.C. 21.04 a new section to read as follows:

23 Seismic hazard areas.

24 "Seismic hazard areas" means those areas of King County  
25 subject to severe risk of earthquake damage as a result of  
26 seismically induced settlement or soil liquefaction. These  
27 conditions occur in areas underlain by cohesionless soils of  
28 low density usually in association with a shallow groundwater  
29 table.

30 SECTION 64. Ordinance 4365, Section 1 and  
31 K.C.C. 21.04.775 are each hereby amended to read as follows:

32 Sensitive areas.

33 "Sensitive areas" means any of those areas of King County  
34 which are subject to natural hazards or those lands features  
35 which support unique, fragile, or valuable natural  
36 ~~((features-))~~ resources including fishes, wildlife and other  
37 organisms and their habitat and such resources which, in their

1 natural state carry, hold or purify water. Sensitive areas  
2 include the following landform features: erosion hazard areas,  
3 coal mine hazard areas, (~~Class III~~) land-slide hazard areas,  
4 (~~and Class III~~) seismic hazard areas, steep slope hazard  
5 areas, volcanic hazard areas, wetlands, ((fish-bearing waters))  
6 streams, ((and)) flood hazard areas, and the adjoining  
7 protective buffers necessary to protect the public health,  
8 safety and welfare, each as defined in this ((chapter)) title.

9 NEW SECTION. SECTION 65. There is hereby added to  
10 K.C.C. 21.04 a new section to read as follows:

11 Sensitive Area Review.

12 "Sensitive Area Review" means the evaluation performed by  
13 King County as part of its review of an application for a  
14 permit or approval to ensure that impacts to sensitive areas  
15 have been addressed where appropriate.

16 NEW SECTION. SECTION 66. There is hereby added to  
17 K.C.C. 21.04 a new section to read as follows:

18 Sensitive areas setback area.

19 "Sensitive areas setback area" means the area delineated  
20 on a development proposal site for a building permit or grading  
21 and clearing permit which contains wetlands, streams, steep  
22 slopes hazard areas, landslide hazard areas and required  
23 buffers.

24 NEW SECTION. SECTION 67. There is hereby added to  
25 K.C.C. 21.04 a new section to read as follows:

26 Sensitive area tract.

27 "Sensitive area tract" means a separate tract that is  
28 created to protect the sensitive area and its buffer, whose  
29 ownership is assured as provided in Section 13 of this  
30 ordinance.

31 NEW SECTION. SECTION 68. There is hereby added to  
32 K.C.C. 21.04 a new section to read as follows:

33 Steep slope hazard areas.

34 "Steep slope hazard areas" mean any ground that rises at  
35 an inclination of 40% or more within a vertical elevation  
36 change of at least ten feet (a vertical rise of ten feet or  
37 more for every twenty-five feet of horizontal distance). A

1 slope is delineated by establishing its toe and top and  
2 measured by averaging the inclination over at least ten feet of  
3 vertical relief.

4 A. Toe of a slope is a distinct topographic break in  
5 slope which separates slopes inclined at less than 40% from  
6 slopes equal to or in excess of 40%. Where no distinct break  
7 exists, the toe of a steep slope is the lower most limit of the  
8 area where the ground surface drops ten feet or more vertically  
9 within a horizontal distance of twenty-five feet.

10 B. Top of a slope is a distinct, topographic break in  
11 slope which separates slopes inclined at less than 40% from  
12 slopes equal to or in excess of 40%. Where no distinct break  
13 in slope exists, the top of slope shall be the uppermost limit  
14 of the area where the ground surface drops ten feet or more  
15 vertically within a horizontal distance of twenty-five feet.

16 NEW SECTION. SECTION 69. There is hereby added to  
17 K.C.C. 21.04 a new section to read as follows:

18 Streams.

19 "Streams" means those areas of King County where surface  
20 waters produce a defined channel or bed. A defined channel or  
21 bed is an area which demonstrates clear evidence of the passage  
22 of water and includes but is not limited to bedrock channels,  
23 gravel beds, sand and silt beds and defined-channel swales.  
24 The channel or bed need not contain water year-round. This  
25 definition is not meant to include irrigation ditches, canals,  
26 storm or surface water runoff devices or other entirely  
27 artificial watercourses unless they are used by salmonids or  
28 used to convey streams naturally occurring prior to  
29 construction in such watercourse. Streams are further  
30 categorized as follows:

31 A. Class 1 streams. "Class 1 streams" means those  
32 streams inventoried as "Shorelines of the State" under King  
33 County's Shoreline Master Program, K.C.C. Title 25, pursuant to  
34 RCW Chapter 90.58.

35 B. Class 2 streams. "Class 2 streams" means those  
36 streams smaller than Class 1 streams that flow year around

1 during years of normal rainfall or those that are used by  
2 salmonids.

3 C. Class 3 streams. "Class 3 streams" means those  
4 streams that are intermittent or ephemeral during years of  
5 normal rainfall and are not used by salmonids.

6 SECTION 70. Ordinance 1161, Section 10, and  
7 K.C.C. 21.04.915 each are hereby amended to read as follows:

8 Variance.

9 "Variance" means an adjustment in the application of the  
10 regulations of a zoning ordinance to a particular piece of  
11 property in a situation where the property, because of special  
12 circumstances found to exist on the land, is deprived, as a  
13 result of the imposition of the zoning regulations, of  
14 privileges commonly enjoyed by other properties in the same  
15 vicinity and zone. The adjustment in the application of the  
16 regulations shall remedy the disparity in privilege. ((†)) A  
17 variance shall not be used to convey special privileges not  
18 enjoyed by other properties in the same vicinity and zone and  
19 subject to the same code restrictions.

20 NEW SECTION. SECTION 71. There is hereby added to  
21 K.C.C. 21.04 a new section to read as follows:

22 Vegetation.

23 "Vegetation" means any and all organic plant life growing  
24 at, below, or above the soil surface.

25 NEW SECTION. SECTION 72. There is hereby added to  
26 K.C.C. 21.04 a new section to read as follows:

27 Violation.

28 "Violation" means the violation of any provision of this  
29 ordinance or of the administrative rules promulgated  
30 thereunder, or of any permit, approval or stop work order or  
31 any other order issued pursuant thereto.

32 NEW SECTION. SECTION 73. There is hereby added to K.C.C.  
33 21.04 a new section to read as follows:

34 Volcanic hazard areas.

35 "Volcanic hazard areas" means those areas of King County  
36 subject to inundation by mudflows, lahars, or related flooding  
37 resulting from volcanic activity on Mount Rainier. The hazard

1 area shall be delineated based on recurrence of an event equal  
2 in magnitude to the prehistoric electron mudflow.

3 NEW SECTION. SECTION 74. There is hereby added to  
4 K.C.C. 21.04 a new section to read as follows:

5 Water dependent use.

6 "Water dependent use" means a principal use which can only  
7 exist when the land/water interface provides biological or  
8 physical conditions necessary for the use.

9 SECTION 75. Ordinance 4365, Section 6 and  
10 K.C.C. 21.04.920 are each hereby amended to read as follows:

11 Wetlands.

12 "Wetlands" means those areas of King County that are  
13 inundated or saturated by ground or surface water at a  
14 frequency and duration sufficient to support, and that under  
15 normal circumstances do support, a prevalence of vegetation  
16 typically adapted for life in saturated soil conditions.  
17 Wetlands generally include swamps, marshes, bogs, and similar  
18 areas. (Army Corps of Engineers Regulation 33 CFR ((323-2(e)))  
19 328.3 (1988). Where the vegetation has been removed or  
20 substantially altered, a wetland shall be determined by the  
21 presence or evidence of hydric or organic soil, as well as  
22 other documentation of the previous existence of wetland  
23 vegetation such as aerial photographs.

24 A. Class 1 wetlands. "Class 1 wetlands" means wetlands  
25 assigned the Unique/Outstanding #1 rating in the King County  
26 Wetlands Inventory, 1983; or which meet any of the following  
27 criteria:

28 1. The presence of species listed by the federal  
29 government or state as endangered, or threatened, or the  
30 presence of critical or outstanding actual habitat for those  
31 species:

32 2. Wetlands having 40% to 60% permanent open water in  
33 dispersed patches with two or more classes of vegetation;

34 3. Wetlands equal to or greater than ten acres in size  
35 and having three or more wetland classes, one of which is open  
36 water; or



1           4. The presence of plant associations of infrequent  
2 occurrence.

3           B. Class 2 wetlands. "Class 2 wetlands" means wetlands  
4 assigned the Significant #2 rating in the King County Wetlands  
5 Inventory, 1983; or any wetlands which meet any of the  
6 following criteria:

7           1. Wetlands greater than one acre in size;

8           2. Wetlands equal to or less than one acre in size and  
9 having three or more wetland classes;

10          3. Wetlands equal to or less than one acre that have a  
11 forested wetland class;

12          4. The presence of heron rookeries or raptor nesting  
13 trees.

14          C. Class 3 wetland. "Class 3 wetland" means wetlands  
15 assigned the Lesser Concern #3 rating in the King County  
16 Wetlands Inventory, 1983, or uninventoried wetlands that are  
17 equal to or less than one acre in size and that have two or  
18 fewer wetland classes.

19          For the purposes of this section, the U. S. Fish and  
20 Wildlife Service's Classification of Wetlands and Deepwater  
21 Habitats of the United States, FWS/OBS-79/31 (Cowardin et al,  
22 1979) contains the descriptions of wetland classes and  
23 subclasses.

24          NEW SECTION. SECTION 76. There is hereby added to  
25 K.C.C. 21.04 a new section to read as follows:

26           Wetland edge.

27           "Wetland edge" means the line delineating the outer edge  
28 of a wetland established by using the Federal Manual for  
29 Identifying and Delineating Jurisdictional Wetlands dated  
30 January 10, 1989, and jointly published by the U.S.  
31 Environmental Protection Agency, the U.S. Fish and Wildlife  
32 Service, the U.S. Army Corps of Engineers and the U.S. Soil  
33 Conservation Service.

34          NEW SECTION. SECTION 77. There is hereby added to  
35 K.C.C. 21.04 a new section to read as follows:

1 Wetland functions.

2 "Wetland functions" are natural processes performed by  
3 wetlands and include functions which are important in  
4 facilitating food chain production, providing habitat for  
5 nesting, rearing and resting sites for aquatic, terrestrial or  
6 avian species, maintaining the availability and quality of  
7 water such as purifying water, acting as recharge and discharge  
8 areas for groundwater aquifers and moderating surface water and  
9 storm water flows as well as performing other functions  
10 including but not limited to those set out in U.S. Army Corps  
11 of Engineers regulations at 33 C.F.R. Section  
12 320.4(b)(2)(1988).

13 NEW SECTION. SECTION 78. There is hereby added to  
14 K.C.C. 21.04 a new section to read as follows:

15 Wetpond.

16 "Wetpond" means an artificial water body dug as a part of  
17 a surface water management system.

18 III. DEVELOPMENT STANDARDS

19 SPECIFIC SENSITIVE AREAS

20 NEW SECTION. SECTION 79. There is hereby added to  
21 K.C.C. 21.54 a new section to read as follows:

22 Coal mine hazard areas -- protection mechanisms and  
23 permitted alterations.

24 A. General requirements. Alteration of a site containing  
25 a coal mine hazard area may be permitted only when all  
26 significant risks associated with abandoned mine workings have  
27 been eliminated or mitigated so that the site is as safe as a  
28 site which has not been previously mined. Appropriate  
29 mitigation shall be based upon a special study.

30 B. Building setback lines. Building setback lines to  
31 accomplish this objective shall be determined by King County  
32 based on the sensitive areas special study.

33 NEW SECTION. SECTION 80. There is hereby added to  
34 K.C.C. 21.54 a new section to read as follows:

35 Erosion hazard areas -- protection mechanisms and  
36 permitted alterations.

1 Alteration of a site containing an erosion hazard area  
2 shall meet the following requirements:

3 A. Except for the following, clearing on erosion hazards  
4 is allowed only from April 1 to November 1:

5 1. Up to 15,000 square feet may be cleared on any lot,  
6 subject to any other requirement for vegetation retention, and

7 2. Timber harvest pursuant to a DNR approved forest  
8 practice permit or clearing and grading permit may be allowed.

9 B. Only that clearing necessary to install temporary  
10 sedimentation and erosion control measures shall occur prior to  
11 clearing for roadways or utilities.

12 C. Clearing limits for roads, sewer, water and storm  
13 water utilities, and temporary erosion control facilities shall  
14 be marked in the field and approved by King County prior to any  
15 alteration of existing native vegetation.

16 D. Clearing for roads and utilities shall remain within  
17 construction limits which must be marked in the field prior to  
18 commencement of site work.

19 E. The authorized clearing for roads and utilities shall  
20 be the minimum necessary to accomplish project specific  
21 engineering designs and shall remain within approved  
22 rights-of-ways.

23 F. Clearing of trees permitted pursuant to K.C.C. 16.82  
24 may occur in conjunction with clearing for roadways and  
25 utilities.

26 G. All trees and understory shall be retained on lots or  
27 parcels during clearing for roadways and utilities provided  
28 that understory damaged during approved clearing operations may  
29 be pruned.

30 H. Damage to vegetation retained during initial clearing  
31 activities shall be minimized by directional felling of trees  
32 to avoid sensitive areas and vegetation to be retained, and  
33 preparation and approval of a skidding plan aimed at minimizing  
34 damage to soil and understory vegetation.

35 I. Retained trees, understory, and stumps may  
36 subsequently be cleared only if such clearing is a specific  
37 element of residential, multifamily, or commercial structure

1 site plan approval. This shall be carried out as a part of a  
2 vegetation management plan developed pursuant to criteria  
3 established in the administrative rules.

4 J. Hydroseeding and/or other erosion control methods as  
5 required in temporary erosion control plans shall be required.

6 K. All development proposals shall submit an erosion  
7 control plan consistent with this section and other adopted  
8 requirements prior to receiving approval.

9 NEW SECTION. SECTION 81. There is hereby added to  
10 K.C.C. 21.54 a new section to read as follows:

11 Flood hazard areas -- protection mechanisms and permitted  
12 alterations.

13 A. Development proposals on sites containing a flood  
14 hazard area shall meet the requirements of sections 81 through  
15 84 and administrative rules. In addition to the provisions of  
16 this section, requirements for buffers, sensitive area tracts,  
17 building setback lines, permitted alterations, mitigation and  
18 monitoring for a development proposal site on or adjacent to a  
19 flood hazard area shall be as established in this chapter for  
20 the streams, wetlands or other areas which form the constituent  
21 elements of the floodplain.

22 B. For all new structures or substantial improvements,  
23 the applicant must provide certification by a professional  
24 civil engineer or land surveyor licensed in the State of  
25 Washington of the actual as-built elevation of the lowest  
26 floor, including basement, and, if applicable, the actual  
27 as-built elevation to which the structure is flood-proofed.  
28 For purposes of this ordinance, the term "substantial  
29 improvement" shall mean any repair, reconstruction, or  
30 improvement of a structure, the cost of which equals or exceeds  
31 50 percent of the market value of the structure either,  
32 (a) before the improvement or repair is started, or (b) if the  
33 structure has been damaged, and is being restored, before the  
34 damage occurred (44 CFR 59.1 (1989)). If the structure has a  
35 basement, this must be indicated. King County will maintain  
36 these certifications for public inspection.

1 C. In all flood hazard areas, King County shall honor all  
2 existing contractual obligations with any federal agency.

3 NEW SECTION. SECTION 82. There is hereby added to  
4 K.C.C. 21.54 a new section to read as follows:

5 Flood fringe area outside the zero-rise floodway.

6 A. Development proposals shall not reduce the effective  
7 base flood storage volume of the floodplain. Grading or other  
8 activity which would reduce the effective storage volume must  
9 be mitigated by creating compensatory storage on the site, or  
10 off-site if legal arrangements can be made to assure that the  
11 effective compensatory storage volume will be preserved over  
12 time. Grading for construction of livestock manure storage  
13 facilities to control non point source water pollution designed  
14 to the standards of and approved by the King County  
15 Conservation District are exempt from this compensatory storage  
16 requirement.

17 B. No structure shall be allowed which would be at risk  
18 due to stream bank destabilization including that associated  
19 with channel relocation or meandering.

20 C. All elevated construction must be designed and  
21 certified by a professional structural engineer registered in  
22 the State of Washington and must be approved by King County  
23 prior to construction.

24 D. Subdivisions, short subdivisions, and binding site  
25 plans shall follow these requirements:

26 1. New building lots shall contain 5,000 square feet or  
27 more of buildable land outside the zero-rise floodway and  
28 building setback lines shall be shown on the face of the plat  
29 to restrict permanent structures to this 5,000 square foot or  
30 greater area;

31 2. All utilities and facilities such as sewer, gas,  
32 electrical and water systems shall be located and constructed  
33 consistent with subparagraphs G. and J.;

34 3. Base flood data and flood hazard notes shall be  
35 shown on the face of the recorded plat, including, but not  
36 limited to, the base flood elevation, required flood protection

1 elevations, and the boundaries of the floodplain and the zero-  
2 rise floodway, if determined; and,

3 4. The following note shall appear on the face of the  
4 recorded plat for all affected lots:

5 "N O T I C E"

6 "Lots and structures located within flood hazard areas may  
7 be inaccessible by emergency vehicles during flood events.  
8 Residents and property owners should take appropriate advance  
9 precautions."

10 E. New residential construction and substantial  
11 improvement shall meet the following criteria:

12 1. The lowest floor shall be elevated to the flood  
13 protection elevation.

14 2. Portions of a building that are below the lowest  
15 floor area shall not be fully enclosed. The areas and rooms  
16 below the lowest floor shall be designed to automatically  
17 equalize hydrostatic and hydrodynamic flood forces on exterior  
18 walls by allowing for the entry and exit of floodwaters.  
19 Designs for meeting this requirement must meet or exceed the  
20 following minimum criteria:

21 a. A minimum of two openings on opposite walls having  
22 a total open area of not less than one square inch for every  
23 square foot of enclosed area subject to flooding shall be  
24 provided;

25 b. The bottom of all openings shall be no higher than  
26 one foot above grade;

27 c. Openings may be equipped with screens, louvers, or  
28 other coverings or devices provided that they permit the  
29 unrestricted entry and exit of floodwaters.

30 F. New nonresidential construction and substantial  
31 improvement of any existing commercial, industrial, or other  
32 nonresidential structure shall meet the following criteria:

33 1. Meet the elevation requirements for residential  
34 construction; or

35 2. Flood-proof the structure to the flood protection  
36 elevation and meet the following criteria:

1 a. The flood-proofing must be certified by a  
2 professional civil or structural engineer registered in the  
3 state of Washington, stating that the flood-proofing methods  
4 are adequate to withstand the flood-depths, pressures,  
5 velocities, impacts, uplift forces, and other factors  
6 associated with the base flood. After construction, the  
7 engineer shall certify that the permitted work conforms with  
8 the approved plans and specifications.

9 b. Approved building permits for flood-proofed  
10 nonresidential buildings shall contain a statement to notify  
11 applicants that flood insurance premiums will be based upon  
12 rates for structures that are one foot below the flood-proofed  
13 level.

14 G. Construction for new and reconstructed residential and  
15 nonresidential structures shall meet the following criteria:

16 1. Use materials and methods which are resistant to and  
17 minimize flood damage;

18 2. Flood-proof to or elevate above the flood protection  
19 elevation, all electrical, heating, ventilation, plumbing, air  
20 conditioning equipment, and other utility and service  
21 facilities.

22 H. All new construction shall be anchored to prevent  
23 flotation, collapse, or lateral movement of the structure.

24 I. For all mobile homes, all standards for flood hazard  
25 protection for conventional residential construction shall  
26 apply. All manufactured mobile homes must be anchored and  
27 shall be installed using methods and practices that minimize  
28 flood damage. For new mobile home parks, for expansions to  
29 existing mobile home park, and for existing mobile home parks  
30 where the repair/reconstruction of the streets, utilities, and  
31 pads equals or exceeds fifty percent of the value of the  
32 streets, utilities, and pads before repair/reconstruction has  
33 commenced, all standards for flood hazard protection applicable  
34 for residential construction shall apply to the mobile homes  
35 within the park.

36 J. Utilities shall meet the following minimum criteria:

1           1. All new and replacement utilities including sewage  
2 treatment facilities shall be flood-proofed to or elevated  
3 above the flood protection elevation.

4           2. New on-site sewage disposal systems shall be, to the  
5 extent possible, located outside the limits of the 100-year  
6 floodplain. The installation of new on-site sewage disposal  
7 systems in the flood fringe may be allowed if no feasible  
8 alternative site is available.

9           3. Sewage and agricultural waste storage facilities  
10 shall be flood-proofed to the flood protection elevation.

11           4. Above-ground utility transmission lines, other than  
12 electric transmission lines, shall only be allowed for the  
13 transport of non-hazardous substances.

14           5. Buried utility transmission lines transporting  
15 hazardous substances (as defined by the Washington State  
16 Hazardous Waste Management Act in RCW 70.105.005) shall be  
17 buried at a minimum depth of four feet below the maximum depth  
18 of scour for the base flood as predicted by a professional  
19 civil engineer licensed by the State of Washington and shall  
20 achieve sufficient negative buoyancy so that any potential for  
21 flotation or upward migration is eliminated.

22           K. Critical facilities may be allowed within the flood  
23 fringe of the floodplain, but only when no reasonable  
24 alternative site is available. All such proposed uses shall be  
25 evaluated through the conditional use permit processor through  
26 the unclassified use permit process if otherwise required by  
27 the zone. Critical facilities constructed within the flood  
28 fringe shall have the lowest floor elevated to three or more  
29 feet above the base flood elevation. Flood-proofing and  
30 sealing measures must be taken to ensure that hazardous or  
31 toxic substances will not be displaced by or released into  
32 floodwaters. Access routes elevated to or above the base flood  
33 elevation shall be provided to all critical facilities to the  
34 nearest maintained public street or roadway.

35           L. King County shall review all development permits to  
36 determine that all necessary permits have been obtained as  
37 required by Federal or State law, including section 404 of the



1 Federal Water Pollution Control Act Amendments of 1972,  
2 33 U.S.C. 1334, as required by section 60.3(a)(2) of 44 CFR.

3 NEW SECTION. SECTION 83. There is hereby added to  
4 K.C.C. 21.54 a new section to read as follows:

5 Zero-Rise Floodway.

6 A. Any activities allowed within the zero-rise floodway  
7 shall conform to conditions of this section as well as all  
8 requirements which apply to the flood fringe outside the  
9 zero-rise floodway. The more restrictive conditions shall  
10 apply where a conflict exists.

11 B. No development activity shall reduce the effective  
12 storage volume of the floodplain.

13 C. No development proposal, including permitted new  
14 construction or reconstruction, shall cause any increase in  
15 base flood elevation unless the following conditions are met:

16 1. Amendments to the Flood Insurance Rate Map have been  
17 adopted by FEMA in accordance with 44 CFR 70 to incorporate the  
18 increase in base flood elevations; and

19 2. Appropriate legal documents are prepared in which  
20 all property owners affected by the increased flood elevations  
21 consent to the impacts on their property. These documents  
22 shall be filed with the title of record for the affected  
23 properties.

24 D. Post or piling construction techniques which permit  
25 water flow beneath a structure must be used.

26 E. All temporary structures or materials hazardous to  
27 public health, safety and welfare shall be removed from the  
28 zero-rise floodway during the flood season from September 30 to  
29 May 1.

30 F. Construction of new residential or non-residential  
31 structures is allowed in the zero-rise floodway subject to the  
32 following:

33 1. The structure must be outside the FEMA floodway;  
34 2. The structure must be on a lot legally in existence  
35 at the time this ordinance becomes effective;

1           3. The structure must be on a lot which contains less  
2 than 5000 square feet of buildable land outside the zero-rise  
3 floodway; and

4           4. The structure must meet the construction standards  
5 of section 82.

6           G. New lots which include part of the zero-rise floodway  
7 may be created only if the lots meet the requirements of  
8 section 82 and administrative rules or are declared as  
9 non-building lots on the face of the plat.

10          H. The following circumstances are presumed to produce no  
11 increase in base flood elevation and shall not require special  
12 studies to establish this fact:

13           1. New construction of residential structures outside  
14 the FEMA floodway on legal lots in existence when this  
15 ordinance becomes effective which contain less than 5,000  
16 square feet of buildable land outside the zero-rise floodway,  
17 provided the total building footprint of all proposed  
18 structures on the lot is less than 2,000 square feet.

19           2. Substantial improvement of existing residential  
20 structures in the zero-rise floodway but outside the FEMA  
21 floodway where the footprint is not increased.

22           3. Substantial improvement of an existing residential  
23 structure shall meet the requirements for new residential  
24 construction set out in section 82.

25           I. Reconstruction of an existing residential structure  
26 shall meet the requirements for new residential construction  
27 set out in section 82.

28           J. Utilities shall be located in the zero-rise floodway  
29 only when no other location is practicable, and shall meet the  
30 minimum criteria set out in section 82 and the following  
31 requirements:

32           1. Installation of new on-site sewage disposal systems  
33 shall be prohibited unless a waiver is granted by the  
34 Seattle/King County department of public health.

35           2. Construction of sewage treatment facilities shall be  
36 prohibited.

1           3. Utility transmission lines transporting hazardous  
2 substances shall be buried at a minimum depth of four feet  
3 below the maximum depth of scour for the base flood as  
4 predicted by a professional civil engineer licensed by in the  
5 State of Washington and shall achieve sufficient negative  
6 buoyancy so that any potential for flotation or upward  
7 migration is eliminated.

8           K. Critical facilities shall not be constructed in the  
9 zero-rise floodway.

10          L. Construction of livestock manure storage facilities  
11 and associated non point source water pollution facilities  
12 designed to the standards of and approved in a conservation  
13 plan by the King County conservation district may be allowed if  
14 constructed and maintained to those standards, provided King  
15 County reviews and approves the location and design of any such  
16 facilities.

17          M. Floodway Dependent Structures

18          Installations or structures which are floodway dependent  
19 may be located in the floodway provided that the development  
20 proposal receives approval from all other agencies with  
21 jurisdiction and meets all standards in sections 81-83. Such  
22 installations include but are not limited to:

23           1. dams or diversions for water supply, flood control,  
24 hydroelectric production, irrigation or fisheries enhancement;

25           2. flood damage reduction facilities such as levees and  
26 pumping stations;

27           3. stream bank stabilization structures where no  
28 feasible alternative exists to protecting public or private  
29 property;

30           4. storm water conveyance facilities subject to the  
31 requirements of the development standards for streams and  
32 wetlands, and the Surface Water Design Manual;

33           5. boat launches and related recreation structures;

34           6. bridge piers and abutments; and

35           7. fisheries enhancement or stream restoration  
36 projects.

1        NEW SECTION. SECTION 84. There is hereby added to  
2 K.C.C. 21.54 a new section to read as follows:

3        FEMA Floodway.

4        A. Any activities allowed within the FEMA floodway must  
5 conform to all requirements which apply to the zero-rise  
6 floodway in addition to the conditions of this section. Where  
7 any conflict exists the more restrictive conditions shall  
8 apply.

9        B. No development proposal, including permitted new  
10 construction or reconstruction, shall cause any increase in the  
11 base flood elevation.

12       C. Construction or placement of new residential or  
13 nonresidential structures is prohibited within the FEMA  
14 floodway.

15       D. Substantial improvement of an existing residential  
16 structure located in the FEMA floodway must meet the  
17 requirements set out in 173-158-070 WAC as amended. Such  
18 substantial improvement is presumed to produce no increase in  
19 base flood elevation and shall not require special studies to  
20 establish this fact.

21       NEW SECTION. SECTION 85. There is hereby added to  
22 K.C.C. 21.54 a new section to read as follows:

23        Landslide hazard areas -- protection mechanisms and  
24 permitted alterations.

25        Development proposals on sites containing landslide hazard  
26 areas shall meet the following requirements:

27        A. Buffers. A minimum buffer of 50 feet shall be  
28 established from all edges of landslide hazard areas and from  
29 landslide hazard areas with slopes less than 40% unless these  
30 areas are approved for alteration pursuant to subsection D.  
31 Existing native vegetation within the buffer area shall be  
32 maintained, and the buffer shall be extended beyond these  
33 limits as required to mitigate steep slope and erosion hazards,  
34 or as otherwise necessary to protect the public health, welfare  
35 and safety.

36        B. Sensitive areas tracts. Any landslide hazard area and  
37 buffer one acre or greater in size shall be placed in a

1 sensitive area tract in the development proposals listed in  
2 section 13.

3 C. Building Setback Lines. Building setback lines of 15  
4 feet shall be required from the edge of a landslide hazard area  
5 or buffer.

6 D. Alterations.

7 1. A landslide hazard area located on a slope 40% or  
8 steeper shall be altered only as allowed under standards for  
9 steep slope hazard areas. A landslide hazard area, located on  
10 a slope less than 40%, may only be altered in the following  
11 circumstances:

12 a. If the development proposal will not decrease  
13 slope stability on adjacent properties; and

14 b. If the landslide hazard area can be modified or  
15 the development proposal can be designed so that the landslide  
16 hazard to the project and adjacent property is eliminated or  
17 mitigated and the development proposal on that site is  
18 certified as safe by a licensed geologist or geotechnical  
19 engineer.

20 2. Where such alterations are approved, buffers and  
21 sensitive area tracts will not be required.

22 NEW SECTION. SECTION 86. There is hereby added to  
23 K.C.C. 21.54 a new section to read as follows:

24 Seismic hazard areas -- protection mechanisms and  
25 permitted alterations.

26 Development proposals on sites containing a seismic hazard  
27 area shall meet the requirements of this section.

28 Alterations.

29 A. Development proposals on sites containing mapped  
30 seismic hazard areas may make alterations to a seismic hazard  
31 area only when the applicant demonstrates and King County  
32 concludes that:

33 1. Evaluation of site specific subsurface conditions  
34 show that the site is not located in a seismic hazard area; or

35 2. Mitigation is implemented which renders the proposed  
36 development as safe as if it were not located in a seismic  
37 hazard area.

1 B. Development proposals will be subject to two levels of  
2 review standards based on occupancy types - critical facilities  
3 and standard structures. The review standards for critical  
4 facilities will be based on larger earthquake reoccurrence  
5 intervals than the earthquakes considered for standard  
6 occupancy structures. The review standards will be set forth  
7 in the administrative rules.

8 NEW SECTION. SECTION 87. There is hereby added to K.C.C.  
9 21.54 a new section to read as follows:

10 Volcanic hazard areas -- protection mechanisms and  
11 permitted alterations.

12 Development proposals on sites containing volcanic hazard  
13 areas shall meet the following requirements:

14 A. Within volcanic hazard areas located along the White  
15 River upstream from Mud Mountain Dam,

16 1. No critical facilities shall be constructed or  
17 located;

18 2. No new commercial or multifamily structures shall be  
19 constructed or located;

20 3. All new lots created by subdivision or short  
21 subdivision shall require building areas outside of the  
22 volcanic hazard area which shall be designated with a building  
23 setback line; and

24 4. New single family residential construction on  
25 existing lots may be allowed, provided the applicant records  
26 with the King County department of records and elections the  
27 following notice on all title documents:

28 The structures on this property are

29 located in an area which may be inundated  
30 by mudflows originating on Mount Rainier.

31 For further information regarding this  
32 hazard, please contact King County.

33 B. Within volcanic hazard areas along the White River  
34 downstream of Mud Mountain Dam, Green and Duwamish Rivers  
35 critical facilities shall be evaluated for the risk of  
36 inundation or flooding resulting from mudflows originating on  
37 Mount Rainier. These structures should be located outside the

1 limits of, or designed to withstand without damage the effects  
2 of mudflows equal in magnitude to the prehistoric Electron  
3 Mudflow.

4 C. This section shall not become effective until King  
5 County has completed the required modelling and mapping of  
6 volcanic hazard areas. The King County Council shall approve  
7 the maps delineating these areas.

8 NEW SECTION. SECTION 88. There is hereby added to  
9 K.C.C. 21.54 a new section to read as follows:

10 steep slope hazard areas -- protection mechanisms and  
11 permitted alterations.

12 Development proposals on sites containing a steep slope  
13 hazard area shall meet the requirements of this section.

14 A. Buffers.

15 1. A minimum buffer shall be established at a  
16 horizontal distance of 50 feet from the top, toe, and along all  
17 sides of slopes 40% or steeper. Existing native vegetation  
18 within the buffer area shall be maintained and the buffer shall  
19 be extended beyond these limits as required to mitigate  
20 landslide and erosion hazards, or as otherwise necessary to  
21 protect the public health, safety and welfare.

22 2. The buffer may be reduced to a minimum of ten feet  
23 when an applicant demonstrates to King County pursuant to a  
24 special study that the reduction will adequately protect the  
25 proposed development and the sensitive area.

26 B. Sensitive Areas Tracts. Any continuous steep slope  
27 hazard area and its buffers one acre or greater in size shall  
28 be placed in separate sensitive areas tracts in development  
29 proposals listed in Section 13.

30 C. Building Setback Lines. A building setback line will  
31 be established at a distance of 15 feet from the edge of the  
32 buffer.

33 D. Alterations. Alterations to steep slopes shall be  
34 allowed only as follows:

35 1. Surface Water Management. Steep slopes may be used  
36 for approved surface water conveyance as specified in the

1 Surface Water Design Manual. Installation techniques shall  
2 minimize disturbance to the slope and vegetation.

3 2. Trails. Construction of public and private trails  
4 may be allowed on steep slopes provided they receive site  
5 specific approval by King County as guided by the construction  
6 and maintenance standards in the U.S. Forest Service "Trails  
7 Management Handbook" (FSH 2309.18, June 1987 as amended) and  
8 "Standard Specifications for Construction of Trails"  
9 (EM-7720-102, June 1984 as amended); but in no case shall  
10 trails be constructed of concrete, asphalt or other impervious  
11 surface which would contribute to surface water runoff unless  
12 such construction is necessary for soil stabilization or soil  
13 erosion prevention.

14 3. Utilities. Construction of public and private  
15 utility corridors may be allowed on steep slopes provided that  
16 a special sensitive area study indicates that such alteration  
17 will not subject the area to the risk of landslide or erosion.

18 4. View Corridors. King County shall allow the limited  
19 trimming and limbing of vegetation on steep slopes for the  
20 creation and maintenance of views provided that the soils are  
21 not disturbed and the activity is subject to the provisions of  
22 administrative rules.

23 5. Mining activities. King County may allow alteration  
24 of steep slope hazard areas in conjunction with approved mining  
25 and quarrying activities.

26 F. King County may grant exemptions from the steep slope  
27 requirements of this chapter pursuant to Sections 6 and 7.

28 G. Limited Exemptions.

29 1. Slopes 40% and steeper with a vertical elevation  
30 change of up to 20 feet may be exempted from the provisions of  
31 this section based on King County review of a soils report  
32 prepared by a geologist or geotechnical engineer which  
33 demonstrates that no adverse impact will result from the  
34 exemption.

35 2. Any slope which has been created through previous,  
36 legal grading activities may be regraded as part of an approved  
37 development proposal. Any slope which remains equal to or in



1 excess of 40% following site development shall be subject to  
2 the protection mechanisms for steep slopes.

3 H. Removal or introduction of vegetation on landslide or  
4 steep slopes. Unless otherwise specified, the following  
5 restrictions apply to vegetation removal or introduction in  
6 steep slope hazard areas, landslide hazard areas and their  
7 buffers.

8 1. There shall be no removal of any vegetation from any  
9 steep slope hazard area or buffer except for the limited plant  
10 removal necessary for surveying purposes and for the removal of  
11 hazard trees determined to be unsafe according to the tree  
12 selection rules prepared pursuant to this ordinance after  
13 notice to King County is provided.

14 2. On slopes which have been disturbed by human  
15 activity or infested by noxious weeds, replacement with native  
16 species or other appropriate vegetation may be allowed subject  
17 to approval by King County of an enhancement plan.

18 NEW SECTION. SECTION 89. There is hereby added to  
19 K.C.C. 21.54 a new section to read as follows:

20 Wetlands -- Provisions.

21 Development proposals on sites containing wetlands shall  
22 meet the requirements of sections 89 through 92.

23 Wetlands and required buffers shall not be altered except  
24 as expressly authorized by this chapter and all approved  
25 alterations shall have an appropriate mitigation plan where  
26 King County determines, upon review of special studies  
27 completed by qualified professionals, that either:

28 A. The wetland does not serve any of the valuable  
29 functions of wetlands identified in section 77, including but  
30 not limited to wildlife habitat and natural drainage functions;  
31 or

32 B. The proposed development would protect or enhance the  
33 wildlife habitat, natural drainage, and/or other valuable  
34 functions of wetlands and would be consistent with the  
35 purposes of this chapter. The required studies may include  
36 habitat value, hydrology, erosion and deposition, and/or water  
37 quality studies. Such studies shall include specific

1 recommendations for mitigating measures which should be  
2 required as a condition of any approval for such development.  
3 The recommendations may include, but are not limited to,  
4 construction techniques, or design, drainage, or density  
5 specifications.

6 C. If a wetland is in a flood hazard area the applicant  
7 must notify affected communities and native tribes of  
8 alteration plans prior to any alteration, submit evidence of  
9 such notification to the Federal Insurance Administration, and  
10 any alterations must be consistent with sections 81 through 84.

11 D. There shall be no introductions of any plant or  
12 wildlife which is not indigenous to the Pacific Northwest into  
13 any wetland sensitive area unless authorized by a State of  
14 Washington or a federal license or permit.

15 NEW SECTION. SECTION 90. There is hereby added to  
16 K.C.C. 21.54 a new section to read as follows:

17 Wetland Standards.

18 A. Buffers.

19 1. All buffers are measured from the wetland edge as  
20 marked in the field.

21 2. The following buffers are minimum requirements.

22 a. Class 1 wetlands shall have a 100 foot buffer.

23 b. Class 2 wetlands shall have a 50 foot buffer.

24 c. Class 3 wetlands shall have a 25 foot buffer.

25 d. Any wetland restored, relocated, replaced or  
26 enhanced because of wetland alterations should have at least  
27 the minimum buffer required for the class of the wetland  
28 involved.

29 e. Wetlands within 25 feet of the toe of slopes equal  
30 to or greater than 30% but less than 40% shall have the  
31 following minimum buffers:

32 (1) Where the horizontal length of the slope  
33 including small benches and terraces is within the buffer for  
34 that wetland class, the buffer width shall be the greater of:

35 (a) The minimum for that wetland class;

36 (b) 25 feet beyond the top of the slope.

1 (2) Where the horizontal length of the slope  
2 extends beyond the minimum buffer for that wetland class, the  
3 buffer shall extend to a point 25 feet beyond the minimum  
4 buffer for that wetland class.

5 (3) The department may recommend buffer averaging  
6 in instances where it will provide additional resource  
7 protection provided that the total area on-site contained in  
8 buffer remains the same.

9 B. Additional buffer requirements for wetlands.

10 King County shall require increased buffer widths as  
11 necessary to protect wetlands. The additional buffer widths  
12 and other issues shall be determined by criteria set forth in  
13 administrative rules and include, but are not limited to,  
14 critical drainage areas, location of hazardous materials,  
15 critical fish and wildlife habitat, landslide or erosion hazard  
16 areas adjacent to wetlands, groundwater recharge and discharge,  
17 and the location of trail or utility corridors.

18 C. Sensitive Area tracts and setback areas for wetlands.

19 Wetlands and their buffers shall be placed in a separate  
20 sensitive area tract and/or setback area as provided in  
21 section 13.

22 D. Building Setback Lines.

23 Unless otherwise specified, a minimum building setback  
24 line of 15 feet shall be required from the edge of a wetland  
25 buffer. Prohibitions on the use of hazardous or toxic  
26 substances and pesticides or certain fertilizers in this  
27 setback area may be imposed.

28 E. Permanent survey marking, signs and fencing.

29 1. Survey Markers. Prior to altering any sensitive  
30 area on a development proposal site, the applicant shall mark  
31 the sensitive area and buffers pursuant to section 14.

32 2. Signs. Prior to approval or issuance of permits for  
33 master plan developments, planned unit developments,  
34 subdivisions, short subdivisions, commercial or residential  
35 building permits, the common boundary between a wetland or  
36 associated buffer and the adjacent land shall be identified  
37 using permanent signs as set out in section 14.

1 F. Livestock Restrictions.

2 1. In all development proposals which would permit  
3 introduction of livestock, damage to Class 1 and 2 wetlands  
4 shall be avoided by one of the following methods:

5 a. Implementation to the satisfaction of the King  
6 County Conservation District of a conservation plan to protect  
7 and enhance the water quality of the wetland; or

8 b. Fencing located not closer than the buffer edge.

9 2. Administrative rules shall address access to streams  
10 for watering purposes, stream crossing requirements and use of  
11 natural barriers and vegetative buffering in lieu of fencing.

12 3. Within 90 days of the effective date of this  
13 ordinance, King County shall establish a study group comprised  
14 of representatives from all state and federal agencies with  
15 expertise in the area of water quality and habitat impacts of  
16 livestock and from all sectors of the public including  
17 commercial and hobby farms, consumers and the environmental  
18 community. The purpose of the study group shall be to  
19 recommend livestock restrictions, techniques and alternatives  
20 appropriate for existing uses, including standards for fencing.  
21 The study group shall identify early action areas, site  
22 specific water quality study needs and review available methods  
23 of financing including the use of public funds. The study  
24 group shall develop specific recommendations regarding the use  
25 of county funding to pay for required fencing, the development  
26 of a tax credit for landowners who fence, the use of county  
27 funding to fund planting of and maintenance of trees within the  
28 buffers, enforcement of the recommendations including the use  
29 of liens and the development of educational and promotional  
30 programs. The study group shall report to the council within  
31 one year.

32 4. These restrictions shall not apply to those wetlands  
33 defined as grazed wet meadows regardless of their  
34 classification.

35 NEW SECTION. SECTION 91. There is hereby added to  
36 K.C.C. 21.54 a new section to read as follows:

1 Alterations to wetlands and buffers.

2 A. King County may grant exceptions from the wetland  
3 requirements of this chapter pursuant to Sections 6 and 7.

4 B. Utilities in wetland buffer.

5 1. Construction of utilities shall be permitted in  
6 wetland buffers only when no practical alternative location is  
7 available and the utility corridor meets the criteria set forth  
8 in administrative rules including but not limited to  
9 requirements for installation, replacement of vegetation and  
10 maintenance.

11 2. Sewer Utility. Construction of sewer lines may only  
12 be permitted in wetland buffers when the applicant demonstrates  
13 it is necessary for gravity flow and meets the requirement of  
14 this section. Joint use of the sewer utility corridor by other  
15 utilities may be allowed.

16 a. Corridors shall not be allowed when the wetland or  
17 buffer is used by species listed as endangered or threatened by  
18 the federal government or state, or the presence of critical or  
19 outstanding actual habitat for those species or heron rookeries  
20 or raptor nesting trees;

21 b. Corridor alignment, including any allowed  
22 maintenance roads, shall follow a path beyond a distance from  
23 wetland edge equal to 75% of the buffer width;

24 c. Corridor construction and maintenance shall  
25 protect the wetland and buffer environment, shall be aligned to  
26 avoid cutting trees greater than 12 inches in diameter at  
27 breast height when possible and shall not use pesticides,  
28 herbicides or other hazardous or toxic substances;

29 d. Corridors shall require an additional, adjacent,  
30 undisturbed buffer width equal to the proposed corridor width  
31 including any allowed maintenance roads;

32 e. Corridors shall be revegetated with appropriate  
33 native vegetation at pre-construction densities or greater  
34 immediately upon completion of construction or as soon  
35 thereafter as possible and the sewer utility shall ensure that  
36 such vegetation survives;

1 f. Any additional corridor access for maintenance  
2 shall be provided as much as possible at specific points rather  
3 than by parallel roads. If parallel roads are necessary they  
4 shall be of a minimum width but no greater than 15 feet; shall  
5 be maintained without the use of herbicides, pesticides or  
6 other hazardous or toxic substances; and shall be contiguous to  
7 the location of the utility corridor on the side away from the  
8 stream.

9 C. Surface water management.

10 The following surface water management activities may be  
11 allowed only if they meet the following requirements:

12 1. New surface water discharges to wetlands from  
13 detention facilities, pre-settlement ponds, or other surface  
14 water management structures may be allowed provided that the  
15 discharge does not increase the rate of flow nor decrease the  
16 water quality of the wetland.

17 2. Class 1 and 2 wetlands may be used for regional  
18 retention/detention facilities only when authorized by the  
19 exception process set out in section 6, and all requirements of  
20 the surface water design manual are met, the use will not alter  
21 the rating or the factors used in rating the wetland, the  
22 proposal is in compliance with the latest adopted findings of  
23 the Puget Sound Wetlands Research Project, and there are no  
24 significant adverse impacts to wetland resources.

25 3. Class 3 wetlands and buffers which have as their  
26 major function the storage of water may be altered for use as  
27 regional retention/detention facilities provided that  
28 presettlement ponds shall be required and all requirements of  
29 the surface water design manual are met;

30 4. Wetlands shall not be used for retention/detention  
31 facilities other than for regional facilities.

32 5. Use of wetland buffers for surface water management  
33 activities other than retention/detention facilities, such as  
34 energy dissipators and associated pipes, may be allowed only if  
35 the applicant demonstrates:

36 a. No practicable alternative exists; and

1           b. The functions of the buffer or the wetland are not  
2 adversely impacted.

3           D. Trails.

4           Construction of public and private trails may be allowed  
5 in wetland buffers only upon adoption of administrative rules  
6 pursuant to the following guidelines:

7           1. Trail surface shall not be of impervious materials,  
8 except that impervious public multi-purpose trails like the  
9 Burke-Gilman Trail may be allowed if they meet all other  
10 requirements including water quality; and

11           2. Where trails are provided, buffers shall be  
12 expanded, where possible, equal to the width of the trail  
13 corridor including disturbed areas.

14           E. Docks.

15           Construction of a dock, pier, moorage, float or launch  
16 facility may be permitted subject to criteria in K.C.C. Title  
17 25 provided:

18           1. Existing and zoned density around the wetland is  
19 three dwelling units per acre or more;

20           2. At least 75% of the lots around the wetland have  
21 been built upon, and no significant buffer or wetland  
22 vegetation remains in these areas;

23           3. No significant buffer or wetland vegetation exists  
24 on the lot; and

25           4. Open water is a significant component of wetland  
26 subclasses.

27           F. Isolated Wetlands.

28           Isolated wetlands are class 3 wetlands whose total size is  
29 less than 2500 square feet excluding buffers, which are  
30 hydrogically isolated from other wetlands or streams, and which  
31 do not have permanent open water. Up to three isolated  
32 wetlands per 20 acres may be altered per development proposal  
33 site by combining their functions and values into one large  
34 wetland relocated on site pursuant to a mitigation plan. The  
35 replacement wetland shall include enhancement for wildlife  
36 habitat.

1 G. Limited Agricultural Use Exemption

2 King County may allow the construction of one additional  
3 agricultural building or associated residence within the buffer  
4 on a grazed wet meadow provided that all hydrologic storage be  
5 replaced on site.

6 H. The cutting of up to 1 cord of firewood may be  
7 permitted in buffers in any year provided the overall function  
8 of the buffer is not adversely impacted. Removal of brush may  
9 also be permitted for the purpose of enhancing tree growth.

10 NEW SECTION. SECTION 92. There is hereby added to  
11 K.C.C. 21.54 a new section to read as follows:

12 Mitigation.

13 A. Mitigation shall be conducted pursuant to section 15.

14 B. Standards for Restoration, Enhancement or Replacement

15 1. Restoration

16 a. Restoration is required when a wetland or its  
17 buffer has been altered in violation of this ordinance or its  
18 predecessor. The following minimum performance standards shall  
19 be met for the restoration of a wetland, provided that if it  
20 can be demonstrated by the applicant that greater functional  
21 and habitat values can be obtained, these standards may be  
22 modified:

23 (1) The original wetland configuration should be  
24 replicated including depth, width, length, and gradients at the  
25 original location;

26 (2) The original soil types and configuration  
27 should be replicated;

28 (3) The edge and buffer configuration should be  
29 restored to original condition;

30 (4) The wetland, edge and buffer areas should be  
31 replanted with native vegetation which replicates the original  
32 in species, sizes and densities; and

33 (5) The original functional values should be  
34 restored, including water quality and wildlife habitat  
35 functions.



1 2. Replacement and enhancement.

2 a. Replacement is required when an approved  
3 development proposal alters a buffer or uses a wetland for a  
4 retention/detention facility or other approved use. The  
5 minimum standards required for restoration of a wetland shall  
6 be followed.

7 b. Enhancement may be allowed when a development  
8 proposal will alter a wetland but will improve the habitat  
9 and/or hydrologic functions. Surface water management or flood  
10 control alterations shall not be considered enhancement, unless  
11 other functions and values are simultaneously increased.  
12 Minimum performance standards for enhancement shall be  
13 established in the administrative rules to allow for  
14 project-specific criteria;

15 c. Replacement or enhancement for approved wetland  
16 alterations shall comply with these requirements:

17 (1) On-site and In-kind. Unless otherwise  
18 approved, all alteration of wetlands shall be replaced or  
19 enhanced on-site using the following formulas: Class 1 and 2  
20 wetlands on a 2:1 basis and class 3 wetlands on a 1:1 basis  
21 with equal or greater biological values including habitat  
22 value, and with equivalent hydrological values including  
23 storage capacity.

24 (2) Off-site and In-kind. King County may consider  
25 and approve off-site replacement or enhancement where the  
26 applicant can demonstrate that the off-site location is in the  
27 same drainage sub-basin and that greater biological and  
28 hydrological values will be achieved. The replacement/  
29 enhancement formulas required above shall apply for off-site  
30 replacement.

31 3. "Wetponds" established and maintained for control of  
32 surface water shall not constitute replacement or enhancement  
33 for wetland alterations.

34 4. Monitoring shall be required in accordance with  
35 section 16.

36 NEW SECTION. SECTION 93. There is hereby added to K.C.C.  
37 21.54 a new section to read as follows:

1 Streams -- Provisions. Development proposal on sites  
2 containing streams shall meet the requirements of sections 93  
3 through 96.

4 A. Streams, and associated buffers shall not be altered  
5 except as expressly authorized by this chapter and all approved  
6 alterations require mitigation plans. The applicant is  
7 responsible for ensuring that the requirements of all other  
8 agencies with jurisdiction have been met.

9 B. If a stream is in a flood hazard area the applicant  
10 must notify affected communities and native tribes of  
11 alteration plans prior to any alteration, submit evidence of  
12 such notification to the Federal Insurance Administration, and  
13 any alterations must be consistent with sections 81 through 84.

14 C. There shall be no introduction of any vegetation or  
15 wildlife which is not indigenous to the Pacific Northwest into  
16 any stream sensitive area unless authorized by a State of  
17 Washington or a federal license or permit.

18 NEW SECTION. SECTION 94. There is hereby added to  
19 K.C.C. 21.54 a new section to read as follows:

20 Stream Standards.

21 A. Stream Buffers.

22 1. All buffers shall be measured from the ordinary high  
23 water mark as identified in the field or, if that cannot be  
24 determined, from the top of the bank. In braided channels, the  
25 ordinary high water mark or top of bank shall be determined so  
26 as to include the entire stream feature.

27 2. The following buffers on each side of the ordinary  
28 high water mark are minimum requirements.

29 a. Class 1 streams - 100 foot buffer.

30 b. Class 2 streams used by salmonids - 100 foot  
31 buffer.

32 c. Class 2 streams - 50 foot buffer.

33 d. Class 3 streams - 25 foot buffer.

34 e. When the ordinary high water mark of any stream is  
35 within 25 feet of the toe of slopes equal to or greater than  
36 30% but less than 40% the following minimum buffers shall be  
37 provided:

1 (1) Where the horizontal length of the slope  
2 including small benches and terraces is within the buffer for  
3 that stream class, the buffer shall be the greater of:

4 (a) the minimum buffer for that stream class; or

5 (b) 25 feet beyond the top of the slope.

6 (2) Where the horizontal length of the slope  
7 extends beyond the minimum buffer for that stream class, the  
8 buffer shall extend to a point 25 feet beyond the minimum  
9 buffer for that stream class.

10 f. Any stream adjoined by riparian wetland or other  
11 adjacent sensitive area shall have the buffer which applies to  
12 the wetland or other adjacent sensitive area unless the stream  
13 buffer requirements are more expansive.

14 g. Any stream restored, relocated, replaced or  
15 enhanced because of alterations should have at least the  
16 minimum buffer required for the class of stream involved.

17 3. The department may recommend buffer averaging in  
18 instances where it will provide additional resource protection  
19 provided that the total area on-site contained in buffer  
20 remains the same.

21 B. Additional buffer requirements for streams.

22 King County shall require increased buffer widths as  
23 necessary to protect streams. The additional buffer widths and  
24 other issues shall be determined by criteria set forth in  
25 administrative rules and include, but are not limited to,  
26 critical drainage areas, location of hazardous materials,  
27 critical fish and wildlife habitat, landslide or erosion hazard  
28 areas, groundwater recharge and discharge, and the location of  
29 trail or utility corridors.

30 C. Sensitive Area Tracts and setback areas for streams.

31 Streams and their buffers shall be placed in a separate  
32 sensitive area tract as provided in section 13.

33 D. Livestock Restrictions

34 The livestock restrictions in section 90, shall also apply  
35 to Class 1 and 2 streams and their buffers except that barrier  
36 fencing shall not be required in the floodplain of the  
37 Snoqualmie River.

1 E. Building and Setback Lines.

2 Unless otherwise specified, a minimum building setback  
3 line of 15 feet shall be required from the edge of the stream  
4 buffer. Prohibitions on the use of hazardous or toxic  
5 substances and pesticides or certain fertilizers in this area  
6 may be imposed.

7 F. Permanent survey markings, signs and fencing.

8 The permanent survey markings, signs and fencing  
9 requirements of section 14 shall apply.

10 NEW SECTION. SECTION 95. There is hereby added to  
11 K.C.C. 21.54 a new section to read as follows:

12 Alterations to streams and buffers.

13 A. King County may grant exceptions from the streams  
14 requirements of this chapter pursuant to Sections 6 and 7.

15 B. Stream Crossings. Stream crossings may be allowed  
16 only if they meet the requirements as follows:

17 1. All road crossings shall use bridges or other  
18 construction techniques which do not disturb the stream bed or  
19 bank; provided, however, in the case of Class 2 or Class 3  
20 streams, bottomless culverts or other appropriate methods  
21 demonstrated to provide fisheries protection may be used and  
22 the applicant demonstrates that such methods and their  
23 implementation will pose no harm to the stream or inhibit  
24 migration of fish.

25 2. All crossings shall be constructed during summer low  
26 flow and be timed to avoid stream disturbance during periods  
27 when use is critical to salmonids;

28 3. Crossings shall not occur over salmonid spawning  
29 areas unless no other possible crossing site exists;

30 4. Bridge piers or abutments shall not be placed within  
31 the FEMA floodway or the ordinary high water mark;

32 5. Crossings shall not diminish the flood carrying  
33 capacity of the stream;

34 6. Underground utility crossings shall be laterally  
35 drilled and located at a depth of four feet below the maximum  
36 depth of scour for the base flood predicted by a civil engineer  
37 licensed by the State of Washington; and

1           7. Crossings shall be minimized and serve multiple  
2 purposes and properties whenever possible.

3           C. Relocations. The following relocations may be allowed  
4 if they meet all requirements and are approved by all agencies  
5 with jurisdiction.

6           1. Class 2 streams shall not be relocated except for  
7 public road projects which have been authorized by the  
8 exemption process set out in section 6.

9           2. Class 3 streams may be relocated under a mitigation  
10 plan for the purpose of enhancement of in-stream resources.  
11 Appropriate floodplain protection measures must be used. The  
12 relocation shall occur on-site, provided that upon  
13 demonstration on-site relocation is impracticable, King County  
14 may consider off-site relocation if the location is in the same  
15 drainage sub-basin, subject to applicant providing all  
16 necessary easements and waivers from affected property owners.

17           3. An applicant must demonstrate, based on information  
18 provided by a civil engineer and a qualified biologist, that:

19           a. The equivalent base flood storage volume and  
20 function will be maintained;

21           b. There will be no adverse impact to local  
22 groundwater;

23           c. There will be no increase in velocity;

24           d. There will be no interbasin transfer of water;

25           e. Performance standards as set out in the mitigation  
26 plan are met;

27           f. The relocation conforms to other applicable laws;  
28 and

29           g. All work will be carried out under the direct  
30 supervision of a qualified biologist.

31           D. Trails.

32           Construction of public and private trails may be allowed  
33 in stream buffers only upon adoption of administrative rules  
34 and pursuant to the following guidelines:

35           1. Trail surface shall not be of impervious materials,  
36 except that impervious public multi-purpose trails like the

1 Burke-Gilman Trail may be allowed if they meet all other  
2 requirements including water quality; and

3 2. Where trails are provided, buffers shall be  
4 expanded, where possible, equal to the width of the trail  
5 corridor including disturbed areas.

6 E. Stream channel stabilization.

7 stream channel may be stabilized when movement of the  
8 stream channel threatens existing residential or commercial  
9 structures, public improvements, unique natural resources, or  
10 the only possible existing access to property and is done in  
11 accordance with the requirements in sections 81-84 and the  
12 administrative rules.

13 F. Surface water management.

14 The following surface water management actions may be  
15 allowed only if they meet the following requirements:

16 1. Surface water discharges to streams from detention  
17 facilities, pre-settlement ponds, or other surface water  
18 management structures may be allowed provided that the  
19 discharge complies with the provisions of the surface water  
20 design manual.

21 2. Class 2 streams may be used for regional  
22 retention/detention facilities when authorized by the exemption  
23 process set out in section 6, all requirements of the surface  
24 water design manual are met, the use will not alter the rating  
25 or the factors used in rating the stream, and there are no  
26 significant adverse impacts to stream resources.

27 3. Class 3 streams and buffers may be altered for use  
28 as retention/detention facilities provided that the project  
29 will have no lasting adverse impacts on any stream and all  
30 requirements of the surface water design manual are met;

31 G. Utilities in stream buffer.

32 1. Construction of utilities shall be permitted in  
33 stream buffers only when no practical alternative location is  
34 available and the utility corridor meets the criteria set forth  
35 in administrative rules including but not limited to  
36 requirements for installation, replacement of vegetation and  
37 maintenance.

1           2. Sewer Utility. Sewer utility corridors may only be  
2 located in stream buffers when the applicant demonstrates it is  
3 necessary for gravity flow. Joint use of the sewer utility  
4 corridor by other utilities is allowed. The requirements for  
5 utility corridors in section 91 shall also apply to streams.

6           H. Enhancement Independent of Development Proposal.

7           1. Enhancement of streams, not associated with any  
8 other development proposal may be allowed when enhancement  
9 would enhance stream functions, as determined by the county and  
10 any state agency with jurisdiction. Such enhancement shall be  
11 performed under a plan for the design, implementation,  
12 maintenance and monitoring of the project prepared by a civil  
13 engineer and a qualified biologist and shall be carried out  
14 under the direct supervision of a qualified biologist pursuant  
15 to criteria set out in the administrative rules.

16           2. Minor stream restoration projects for fish habitat  
17 enhancement by a public agency, whose mandate includes such  
18 work, unassociated with mitigation of a specific development  
19 proposal and not to exceed \$25,000 dollars in cost, may be  
20 allowed. Such projects are limited to placement of rock weirs,  
21 log controls, spawning gravel and other specific salmonid  
22 habitat improvements and shall involve use of hand labor and  
23 light equipment only, to be performed under direct supervision  
24 of a qualified biologist.

25           I. Drainage ditch maintenance.

26           Roadside drainage ditches and agricultural drainage  
27 ditches that carry streams with salmonids may be maintained  
28 through use of best management practices developed in  
29 consultation with county, state and federal agencies with  
30 expertise and/or jurisdiction. These practices shall be  
31 adopted as administrative rules.

32           J. The cutting of up to 1 cord of firewood may be  
33 permitted in buffers in any year provided the overall function  
34 of the buffer is not adversely impacted. Removal of brush may  
35 also be permitted for the purpose of enhancing tree growth.

36           NEW SECTION. SECTION 96. There is hereby added to  
37 K.C.C. 21.54 a new section to read as follows:

1 Mitigation for Streams.

2 A. Mitigation shall be conducted pursuant to section 15.

3 B. Standards for Restoration, Enhancement or Replacement.

4 1. Restoration is required when a stream or its buffer  
5 has been altered in violation of this ordinance or any prior  
6 ordinance applying to the treatment of streams, or when an  
7 unapproved or unanticipated alteration occurs during the  
8 construction of an approved development proposal, provided that  
9 a mitigation plan for the restoration demonstrates that:

10 a. The stream is degraded and will not be further  
11 degraded by the restoration activity;

12 b. The restoration will reliably and demonstrably  
13 improve the water quality and fish and wildlife habitat of the  
14 stream;

15 c. The restoration will have no lasting significant  
16 adverse impacts on any in-stream resource; and

17 d. All work will be carried out under the direct  
18 supervision of a qualified biologist.

19 e. The following minimum performance standards shall  
20 be met for restoration of a stream, provided that these  
21 standards may be modified if the applicant can demonstrate that  
22 greater habitat value can be obtained:

23 (1) The natural channel dimensions should be  
24 replicated including identical depth, width, length and  
25 gradient at the original location and the original horizontal  
26 alignment (meander lengths) should be replaced.;

27 (2) The bottom should be restored with identical or  
28 similar materials;

29 (3) The bank and buffer configuration should be  
30 restored to the original conditions;

31 (4) The channel, bank and buffer areas should be  
32 replanted with native vegetation which replicates the original  
33 in species, sizes and densities; and

34 (5) The original habitat value should be recreated.

35 2. Replacement or enhancement is required when King  
36 County permits or approves the alteration of a stream or  
37 buffer. There will be no net loss of stream functions on a



1 development proposal site and no impact on stream functions  
2 above or below the site due to approved alterations.

3 a. Replacement. When an approved alteration involves  
4 the relocation of a stream, the performance standards in  
5 subsection B.1, are required in order to replicate the  
6 structure and function of the original stream, unless the  
7 applicant can demonstrate that greater habitat value can be  
8 obtained through varying these standards.

9 b. Enhancement. Enhancement, when allowed, should  
10 improve the functions and values of the streams. Surface water  
11 management or flood control alterations shall not be considered  
12 enhancement unless other functions and values are  
13 simultaneously increased.

14 c. Replacement or enhancement for streams shall be  
15 accomplished in streams, and shall occur on-site unless the  
16 applicant demonstrates that on-site replacement or enhancement  
17 is not possible, that the off-site alternative is in the same  
18 drainage sub-basin and that greater biological and hydrological  
19 values will be derived.

20 3. Monitoring shall be required in accordance with  
21 section 16.

22 IV. GRADING, CLEARING, SHORELINES AND OTHER COUNTY PERMITS

23 SECTION 97. Ordinance 1488, Section 2 and  
24 K.C.C. 16.82.010 are each hereby amended to read as follows:

25 Purpose.

26 ~~((This chapter is intended to safeguard life, limb,  
27 property and the public welfare and to minimize adverse effects  
28 upon the environment by regulating excavations, grading and  
29 earthwork construction, including cuts and fills, gravel pits,  
30 dumping, quarrying and mining operations within King County.))~~

31 A. This chapter is intended to regulate clearing and  
32 removal of vegetation, excavation, grading and earthwork  
33 construction including cuts and fills, gravel pits, dumping,  
34 quarrying and mining operations within King County in order to  
35 protect public health, safety and welfare by:

36 1. Minimizing adverse stormwater impacts generated by  
37 the removal of vegetation and alteration of landforms:

1           2. Protecting water quality from the adverse impacts  
2 associated with erosion and sedimentation;

3           3. Minimizing aquatic and terrestrial wildlife habitat  
4 loss caused by the removal of vegetation;

5           4. Protecting sensitive areas from adverse clearing and  
6 grading activities;

7           5. Facilitating and encouraging long term forest  
8 practice operations where appropriate;

9           6. Minimizing the adverse impacts associated with  
10 quarrying and mining operations;

11          7. Preventing damage to property and harm to persons  
12 caused by excavations and fills;

13          8. Establishing administrative procedures for the  
14 issuance of permits, approval of plans, and inspection of  
15 clearing and grading operations; and

16          9. Providing penalties for the violation of this  
17 chapter.

18          B. This chapter establishes the administrative procedure  
19 for issuance of permits, provides for approval of plans and  
20 inspection of clearing and grading operations, and provides for  
21 penalties for the violation of this chapter.

22          SECTION 98. Ordinance 7990, Section 19, Ordinance 3108,  
23 Section 1 and Ordinance 1488, Section 5 and K.C.C. 16.82.020  
24 are each hereby amended to read as follows:

25           Definitions.

26           Certain words and phrases used in this chapter, unless  
27 otherwise clearly indicated by their context, means as follows:

28           A. "Bench" is a relatively level step excavated or  
29 constructed on the face of a graded slope surface for drainage  
30 and maintenance purposes.

31           B. "Berm" is a mound or raised area used for the purpose  
32 of screening a site or operation.

33           C. "Civil engineer" means a professional engineer  
34 registered in the State of Washington to practice in the field  
35 of civil works.

1           D. "Clearing" means the cutting or removal of vegetation  
 2 or other organic plant material by physical, mechanical,  
 3 chemical or any other means.

4           ~~((D-))~~ E. "Compaction" is the densification of a fill by  
 5 mechanical means.

6           F. "Cutting" is the severing of the main trunk or stems  
 7 from close to or at the soil surface or at a point up to 25% of  
 8 the total vegetation height.

9           ~~((E-))~~ G. "Director" means the director or       authorized  
 10 agent of the parks, planning and resources department.

11           ~~((F-))~~ H. "Earth material" is any rock, natural soil or  
 12 any combination thereof.

13           ~~((G-))~~ I. "Erosion" is the wearing away of the ground  
 14 surface as the result of the movement of wind, water and/or  
 15 ice.

16           ~~((H-))~~ J. "Excavation" is the ~~((mechanical))~~ removal of  
 17 earth material.

18           ~~((I-))~~ K. "Fill" is a deposit of earth material placed by  
 19 mechanical means.

20           ~~((J-))~~ L. "Grade" means the elevation of the ground  
 21 surface.

22           1. "Existing grade" is the grade prior to grading.

23           2. "Rough grade" is the stage at which the grade  
 24 approximately conforms to the approved plan as required in  
 25 Section 16.82.060.

26           3. "Finish grade" is the final grade of the site which  
 27 conforms to the approved plan as required in Section 16.82.060.

28           ~~((K-))~~ M. "Grading" is any excavating, ~~((or))~~ filling,  
 29 removing of the duff layer, or combination thereof.

30           ~~((L-))~~ N. "Grading and clearing permit" means ((a)) the  
 31 permit required ((by ordinance)) by this chapter for grading  
 32 and clearing activities, including temporary permits.

33           ~~((M-))~~ O. "Reclamation" means the final grading and land  
 34 restoration of a site.

35           ~~((N-))~~ ~~"Remote area" means a rural area on which a grading~~  
 36 ~~site (used primarily as the source of materials for the~~  
 37 ~~construction or maintenance of access) is not visible from any~~

1 ~~state highway, county road or any public street or highway, or,~~  
2 ~~if visible, it is more than one mile away from the point on~~  
3 ~~such road from which it is visible.))~~

4 ((Q-)) P. "Shorelines" means those lands defined as  
5 shorelines in the state Shorelines Management Act of 1971.

6 ((P-)) Q. "Site" is any lot or parcel of land or  
7 contiguous combination thereof where projects covered by this  
8 chapter are performed or permitted where a public street or way  
9 may intervene.

10 ((Q-)) R. "Slope" is an inclined ground surface, the  
11 inclination of which is expressed as a ratio of horizontal  
12 distance to vertical distance.

13 ((R-)) S. "Soil engineer" means ~~((a civil engineer~~  
14 ~~experienced and knowledgeable in the practice of soil~~  
15 ~~engineering))~~ a person who has earned a degree in geology from  
16 an accredited college or university, or a person who has  
17 equivalent educational training and has experience as a  
18 practicing geologist.

19 ((S-)) T. "Structure" is that which is built or  
20 constructed, an edifice or building of any kind, or any piece  
21 of work artificially built up or composed of parts jointed  
22 together in some definite manner.

23 ((P-)) U. "Terrace" is a relatively level step excavated  
24 or constructed on the face of a graded slope surface for  
25 drainage and maintenance purposes.

26 ((U-)) V. "Tidelands" means that portion of the land  
27 which is covered and uncovered by the ebb and flood tide.

28 W. "Tree" is a large woody perennial plant usually with a  
29 single main stem or trunk and generally over twelve feet tall  
30 at maturity.

31 X. "Understory" is the vegetation layer of a forest that  
32 includes shrubs, herbs, grasses, and grass-like plants, but  
33 excludes native trees.

34 Y. "Vegetation" means any and all organic plant life  
35 growing at, below, or above the soil surface.

36 SECTION 99. Ordinance 1488, Section 4, as amended, and  
37 K.C.C. 16.82.040 are each hereby amended to read as follows:

1 Hazards.

2 Whenever the director determines that an existing site, as  
3 a result of clearing or grading, excavation, embankment, or  
4 fill (~~((excavation or embankment or fill))~~) has become a hazard  
5 to life and limb, or endangers property, or adversely impacts  
6 the safety, use or stability of a public way or drainage  
7 channel, the owner of the property upon which the clearing,  
8 grading, excavation or fill is located, or other person or  
9 agent in control of said property, upon receipt of notice in  
10 writing from the director, shall within the period specified  
11 therein restore the site affected by such clearing or grading  
12 or repair or eliminate such excavation or embankment or fill so  
13 as to eliminate the hazard and be in conformance with the  
14 requirements of this chapter.

15 SECTION 100. Ordinance 1488, Section 6, as amended, and  
16 K.C.C. 16.82.050 are each hereby amended to read as follows:

17 Clearing and Grading Permit required-exceptions.

18 A. No person shall do any clearing or grading without  
19 first having obtained a clearing and grading permit from the  
20 director except for the following:

21 1. An on site excavation or fill for basements and  
22 footings of a building, retaining wall, parking lot, or other  
23 structure authorized by a valid building permit. This shall  
24 not exempt any fill made with the materials from such  
25 excavation nor exempt any excavation having an unsupported  
26 height greater than five feet after the completion of such  
27 structure;

28 2. The depositing or covering of any garbage, rubbish  
29 or other material at any solid waste facility operated by King  
30 County;

31 (~~3. Any grading in remote areas by an owner or holder  
32 of a possessory interest in land for the primary purpose of  
33 construction or maintenance of access to or on such landowner  
34 property.~~)

35 3. Maintenance of existing driveways or private access  
36 roads within their existing road prisms, provided that the  
37 performance and restoration requirements of this chapter are

1 met and best management practices are utilized to protect water  
2 quality.

3 4. Any grading within a publicly owned road  
4 right-of-way;

5 5. Clearing or grading by a public agency for the  
6 following routine maintenance activities:

7 a. Roadside ditch cleaning provided the ditch does  
8 not contain salmonids;

9 b. Pavement maintenance;

10 c. Normal grading of gravel shoulders;

11 d. Maintenance of culverts;

12 e. Maintenance of flood control or other approved  
13 surface water management facilities;

14 f. Routine clearing within road right-of-way.

15 ((5-)) 6. Any clearing or grading for roads within a  
16 preliminary or finally approved residential plat which has been  
17 approved by the director and for which a bond has been posted;

18 ((6.)) 7. Maintenance or reconstruction of the  
19 facilities of a common carrier by a rail in interstate commerce  
20 within its existing right-of-way; provided restoration is  
21 consistent with the requirements of Section 16.82.110; provided  
22 that this exception does not apply if the clearing or grading  
23 is within a sensitive area as regulated in K.C.C.

24 Chapter 21.54.

25 ((7-)) 8. Cemetery graves; provided that this exception  
26 does not apply except for routine maintenance if the clearing  
27 or grading is within a sensitive area as regulated in K.C.C.  
28 Chapter 21.54;

29 ((8-)) 9. Clearing or grading within a preliminarily or  
30 finally approved residential plat not involving any excavation  
31 exceeding five feet in vertical depth or any fill exceeding  
32 three feet in vertical depth, regardless of the amount of  
33 material to be removed; provided that this exception does not  
34 apply if the clearing or grading is within a sensitive area as  
35 regulated in K.C.C. Chapter 21.54;

36 ((9-)) 10. Excavation less than five feet in vertical  
37 depth not involving more than ((five)) one hundred cubic yards

1 of earth or other material on a single site; provided that the  
2 exception does not apply if the clearing or grading is within a  
3 sensitive area as regulated in K.C.C. Chapter 21.54;

4 (~~10~~) 11. Fill less than three feet in vertical depth  
5 not involving more than ((five)) one hundred cubic yards of  
6 earth or other material on single site; provided that the  
7 exception does not apply if the clearing or grading is within a  
8 sensitive area as regulated in K.C.C. Chapter 21.54;

9 12. Minor stream restoration projects for fish habitat  
10 enhancement by a public agency, utility or tribe as set out in  
11 K.C.C. 21.54.

12 13. Clearing or grading for construction of livestock  
13 manure storage facilities or associated nonpoint source  
14 pollution facilities designed to the standards of and approved  
15 in a conservation plan by the King County conservation  
16 district, and constructed and maintained to those standards.

17 14. Clearing and grading, performed as Class I, II, III  
18 or IV Special forest practice in the F (Forestry) zone, that is  
19 conducted in accordance with RCW 76.09 and WAC 222.

20 15. The following activities are exempt from the  
21 clearing requirements of this chapter and no permit shall be  
22 required:

23 a. Clearing outside of sensitive areas and buffers as  
24 regulated in K.C.C. 21.54 unless the development proposal site  
25 is within an area subject to clearing restrictions contained in  
26 a critical drainage area administrative rule or in p-suffix  
27 conditions in an adopted community plan.

28 b. Within sensitive areas, as regulated in  
29 K.C.C. 21.54, the following activities are exempt from the  
30 clearing requirements of this chapter and no permit shall be  
31 required.

32 (1) Normal and routine maintenance of existing  
33 lawns and landscaping subject to the limitations on the use of  
34 pesticides in sensitive areas as set out in K.C.C. 21.54.

35 (2) Permitted agricultural uses; provided the  
36 clearing is consistent with the agricultural exemptions in  
37 sensitive areas as regulated in K.C.C. 21.54.

1           (3) Emergency tree removal to prevent imminent  
2 danger or hazard to persons or property.

3           (4) Normal and routine horticultural activities  
4 associated with commercial orchards, nurseries, or Christmas  
5 tree farms in existence on the effective date of this ordinance  
6 subject to the limitations on the use of pesticides in  
7 sensitive areas as set out in K.C.C. 21.54. This does not  
8 include clearing or grading in order to develop or expand such  
9 activities.

10           (5) Normal and routine maintenance of existing  
11 public parks and private and public golf courses. This does  
12 not include clearing or grading in order to develop or expand  
13 such activities in sensitive areas.

14           (6) Removal of noxious weeds from steep slope  
15 hazard areas and the buffers of streams and wetlands subject to  
16 the limitations on the use of pesticides in sensitive areas as  
17 set out in K.C.C. 21.54.

18           (7) Pruning and limbing of vegetation for  
19 maintenance of above ground electrical and telecommunication  
20 facilities; provided that the clearing is consistent with the  
21 electric, natural gas, cable communication and telephone  
22 utility exemption in sensitive areas as regulated in K.C.C.  
23 Chapter 21.54.

24           (8) Class I, II, III and IV Special forest  
25 practices outside of areas zoned F provided they occur on  
26 parcels that meet all of the following criteria for long term  
27 forestry:

28           (a) The parcel is enrolled under the current use  
29 taxation program as timber land pursuant to RCW 84.34 or as  
30 forest land pursuant to RCW 84.33;

31           (b) A long term management plan is approved for  
32 the parcel by the Washington Department of Natural Resources;

33           (c) The parcel is located within areas designated  
34 rural or agricultural by the King county comprehensive plan or  
35 applicable community plan;



1                    (d) The parcel is located outside of expansion  
2 areas for incorporated cities or rural activity centers as  
3 designated in community plans, and:

4                    (e) The parcel equals or exceeds 5 acres in size.

5                    B. Temporary permits. The director shall have the  
6 authority to issue temporary permits for excavations,  
7 processing, quarrying and mining, and removal of (~~black soil,~~  
8 ~~peat,~~) sand, gravel, rock and other natural deposits, together  
9 with the necessary buildings, apparatus or appurtenances  
10 incident thereto for specific jobs on application for highway,  
11 road, street, airport construction, flood control and other  
12 public works projects. In conjunction with such operations,  
13 allied uses such as, but not limited to, rock crushers,  
14 concrete-batching plants and asphalt-batching plants may be  
15 authorized by this temporary permit.

16                    The division of building and land development shall  
17 consider the impact of the proposed operation on the county  
18 road system and any impact it may have on surface or  
19 groundwater drainage and flood control, and shall make such  
20 recommendations as are necessary to protect the public interest  
21 in this regard.

22                    The division of building and land development shall also  
23 consider the impact of the proposed operation on the current  
24 and future land use in the area affected by the proposed  
25 operation and shall condition permits as necessary to protect  
26 the public interest in this regard. Temporary permits are good  
27 for the life of the contract of the specific job but must be  
28 reviewed annually. Each temporary permit site shall be fully  
29 restored during the term of the temporary permit, unless the  
30 site is subsequently designated with a OM zone classification  
31 or included in an unclassified use permit.

32                    SECTION 101. Ordinance 1488, Section 7, as amended, and  
33 K.C.C. 16.82.060 (~~as amended~~) each are hereby amended as  
34 follows:

35                    Permit requirements.

36                    Except as exempted in Section 16.82.050, no person shall  
37 do any clearing or grading without first obtaining a clearing

1 and grading permit from the director. A separate permit shall  
2 be required for each site and may cover both excavations and  
3 fills.

4 A. Application. To obtain a permit, the applicant shall  
5 first file an application therefore in writing on a form  
6 furnished for that purpose. The director shall prescribe the  
7 form by which application is made. No application shall be  
8 accepted unless it is completed consistent with the  
9 requirements of this chapter. Each application shall:

10 1. Identify and describe the work to be covered by the  
11 permit for which application is made;

12 2. Describe the land on which the proposed work is to  
13 be done, by lot, block, tract and house and street address, or  
14 similar description that will readily identify and definitely  
15 locate the proposed site;

16 3. Identify and describe those sensitive areas on or  
17 adjacent to the site;

18 ~~((3+))~~ 4. Indicate the estimated quantities of work  
19 involved;

20 ~~((4+))~~ 5. Be accompanied by plans and specifications as  
21 required in subsections B. and C.;

22 ~~((5+))~~ 6. Be signed by the property owner or his  
23 authorized agent who may be required to submit evidence to  
24 indicate such authority;

25 ~~((6+))~~ 7. Give such other information as may be  
26 required by the director.

27 B. Plans and specifications. When required by the  
28 director, each application for a grading permit shall be  
29 accompanied by ~~((five))~~ six sets of plans and specifications  
30 and other supporting data as may be required. The plans and  
31 specifications shall be prepared and signed by a civil engineer  
32 or landscape architect registered to practice in the State of  
33 Washington when required by the director; provided, he may  
34 require additional studies prepared by a qualified soils  
35 specialist.

36 C. Information plans and in specifications. Plans  
37 shall be drawn to an engineer's scale upon substantial paper or

1 cloth and shall be of sufficient clarity to indicate the nature  
2 and extent of the work proposed and show in detail that they  
3 will conform to the provisions of this chapter and all other  
4 relevant laws, rules, regulations and standards. The first  
5 sheet of each set of plans shall give the location of the work  
6 and the name and address of the owner and the person by whom  
7 they were prepared. The plans shall include the following  
8 minimum information:

- 9 1. General vicinity of the proposed sites;
- 10 2. Property limits and accurate contours of existing  
11 ground and details of terrain and area drainage;
- 12 3. Limiting dimensions, elevations or finished contours  
13 to be achieved by the grading, and proposed drainage channels  
14 and related construction;
- 15 4. Detailed plans of all surface and subsurface  
16 drainage devices, walls, cribbing, dams, berms, settling ponds  
17 and other protective devices to be constructed with or as a  
18 part of the proposed work, together with the maps showing the  
19 drainage area and the estimated runoff of the area served by  
20 any drains;
- 21 5. Location of any buildings or structures on the  
22 property where the work is to be performed and the location of  
23 any buildings or structures on land of adjacent owners which  
24 are within fifty feet of the property or which may be affected  
25 by the proposed grading operations;
- 26 6. Landscape and rehabilitation plan as required by  
27 Section 16.82.110;
- 28 7. Other information as may be required by the  
29 director;

30 8. If the clearing or grading is proposed to take place  
31 in or adjacent to a sensitive area as regulated in K.C.C.  
32 21.54, provide information as required by that chapter.

33 NEW SECTION. SECTION 102. There is hereby added to  
34 K.C.C. 16.82 a new section to read as follows:  
35 Forest Practices.

1 A. Class IV Forest Practice.

2 Under a Class IV forest practice, all clearing not  
3 otherwise exempted under this chapter shall be subject to the  
4 requirements of this chapter. All such clearing shall be  
5 subject to the State Environmental Policy Act, RCW 43.21C, and  
6 King County shall accept or assume lead agency status. The  
7 review of the Class IV application shall be consolidated with  
8 the review of associated King County development permit or  
9 approval. Clearing independent of permit or approval shall  
10 require a separate clearing and grading permit pursuant to this  
11 chapter. King County will also combine its SEPA review of  
12 Class IV forest practices and county permits.

13 B. Development applications on lands outside the F zone  
14 and cleared or graded pursuant to a Class I, II, III or IV  
15 Special forest practice as defined in RCW 76.09, or cleared or  
16 graded without forest practices or county authorization, shall  
17 be denied for a period of six (6) years unless the applicant  
18 demonstrates that the clearing was consistent with requirements  
19 of this chapter or the applicant adequately restores the site.  
20 Restoration shall include, but is not limited to,  
21 reforestation, erosion control, sensitive areas enhancement and  
22 restoration, surface water management controls, and compliance  
23 with other applicable county regulations. Administrative rules  
24 shall set out further details as to how restoration is  
25 accomplished and when it will be deemed sufficient.

26 NEW SECTION. SECTION 103. There is hereby added to  
27 K.C.C. 16.82 a new section to read as follows:

28 Clearing standards.

29 For clearing and grading permits issued under this  
30 chapter, the following standards shall apply:

31 A. Within sensitive areas as defined in K.C.C. Title 21,  
32 the current clearing standards contained in:

- 33 1. The Sensitive Areas Code, K.C.C. 21.54, and its  
34 adopted administrative rules;  
35 2. P-suffix conditions within adopted community plans.

36 B. On land outside of sensitive areas, the current  
37 clearing standards contained in:

- 1           1. P-suffix conditions within adopted community plans:
- 2           2. Critical drainage area designations identified by
- 3           adopted administrative rules.

4           Where conflicts exist between standards, the most  
 5           restrictive shall apply.

6           SECTION 104. Ordinance 1488, (~~Section 13~~) (part),  
 7           Ordinance 2910, Section 4 (part), and K.C.C. 16.82.130 are each  
 8           hereby amended to read as follows:

9           Enforcement.

10          The director of the department of parks, planning and  
 11          resources is authorized to enforce the provisions of this  
 12          chapter, the ordinances and resolutions codified in it, and any  
 13          rules and regulations promulgated thereunder pursuant to the  
 14          enforcement and penalty provisions of Title 23.

15          If clearing inconsistent with the purposes and  
 16          requirements of this chapter has occurred on a site, King  
 17          County shall not accept or grant any development permits or  
 18          approvals for the site unless the applicant adequately restores  
 19          the site. The director shall require appropriate restoration  
 20          of the site under an approved restoration plan which shall  
 21          include a time schedule for compliance if significant resource  
 22          damage has or may occur. If restoration has not been completed  
 23          within the time established by the department, the director  
 24          shall order restoration using funds from building and land  
 25          development division contingency accounts and seek restitution  
 26          from the property owner through liens or other available legal  
 27          methods.

28          NEW SECTION. SECTION 105. There is hereby added to  
 29          K.C.C. 27.12 a new section to read as follows:

30          Clearing fees.

31          The following fee schedule applies to plan review,  
 32          inspection, and enforcement of the clearing requirements of  
 33          K.C.C. 16.82.

	Fixed Fee	Hourly Fee
34		
35	Permit Plan Review	
36	1-5 acres	\$60           \$0
37	more than 5 acres	\$60           \$60

1	Field inspections	\$ 0	\$60
2	Investigations/enforcement	\$ 0	\$60

3        SECTION 106. Ordinance 6254, Section 2 and K.C.C.  
 4        (~~Section~~) 14.30.020 are each hereby amended to read as  
 5        follows:

6                Permit requirement.

7                A. Special use permits shall be required for any use of  
 8        county property except uses regulated pursuant to K.C.C. 14.44  
 9        relating to utility permits and K.C.C. 14.28 relating to county  
 10       road system rights-of-way use permits.

11               B. Upon receipt of an application for a "special use"  
 12       permit upon county property, the real property division shall  
 13       determine whether the proposed use is upon county owned  
 14       property.

15               C. The real property division shall forward the  
 16       application to all county custodial departments for review.

17               D. The custodial departments shall review the application  
 18       and forward its recommendation whether the permit shall be  
 19       issued by the real property division. If a custodial  
 20       department recommends denial, the real property division shall  
 21       deny the permit.

22               E. If there is no custodial department with jurisdiction  
 23       over the county property, the real property division shall  
 24       evaluate the feasibility of the proposed use, its impact on  
 25       other uses of the county property and its impact on public  
 26       health and safety. Based on this evaluation, the real property  
 27       division shall determine whether the permit should be issues.

28               F. In all cases, the real property division shall forward  
 29       the application to the department of parks, planning and  
 30       resources for recommendations on sensitive area issues and the  
 31       real property division shall be responsible for assuring that  
 32       any application meets the requirements of the sensitive areas  
 33       code set out in K.C.C. Chapter 21.54 and the administrative  
 34       rules promulgated thereunder before the permit is issued.

35               SECTION 107. Ordinance 1711, Section 1 and  
 36       K.C.C. 14.44.010 are each hereby amended to read as follows:

1 Purpose. The purpose of this chapter is to regulate the  
2 granting of right-of-way construction permits and to insure  
3 that utility construction work undertaken pursuant to such  
4 permits is consistent with the applicant's right-of-way  
5 franchise from the county, the applicable district  
6 comprehensive plan, the sensitive areas code, the county  
7 comprehensive plan, sound engineering and design standards,  
8 health and sanitation regulations, and county standards for  
9 water mains and fire hydrants.

10 SECTION 108. Ordinance 4099, Section 1 and  
11 K.C.C. 14.46.010 are each hereby amended to read as follows:

12 Purpose. The purpose of this chapter shall be to  
13 authorize and regulate the issuance of permits for the  
14 accommodation of public and private utility facilities, and  
15 other uses upon King County owned real property which is not  
16 dedicated as right-of-way and to insure that privileges  
17 authorized by the permits are consistent with public ownership  
18 of the property, the county comprehensive plan, the sensitive  
19 areas code, sound engineering and design standards, and health  
20 and sanitation regulations.

21 SECTION 109. Ordinance 4099, Section 9 and  
22 K.C.C. 14.46.090 are each hereby amended to read as follows:

23 Review and certification by agencies.

24 A. The real property division shall coordinate the review  
25 by all departments of permit applications.

26 B. The department responsible for the management of the  
27 property to be affected shall review and evaluate applications  
28 with respect to the hazard and risk of the proposed  
29 construction or use; location of the proposed construction or  
30 use in relation to other facilities using the property; the  
31 adequacy of the engineering and design of the proposed  
32 construction or use; and applicable federal, state, county and  
33 local laws and regulations.

34 C. The Seattle-King County department of public health  
35 shall review and evaluate applications for the construction of  
36 waterworks (except for domestic service connections) to

1 determine consistency with state and local health and  
2 sanitation regulations.

3 D. The King County fire marshal shall review and evaluate  
4 applications for the construction of waterworks to determine  
5 consistency with county standards for water mains and fire  
6 hydrants.

7 E. All applications for the construction of sewer or  
8 water facilities must be certified by the division of building  
9 and land development as consistent with a sewer or water  
10 comprehensive plan approved by the county council pursuant to  
11 K.C.C. Chapter 13.24.

12 F. In any case, the real property division shall forward  
13 the application to the department for recommendations on  
14 sensitive area issues and the real property division shall be  
15 responsible for assuring that any application meets the  
16 requirements of the sensitive areas code set out in K.C.C.  
17 Chapter 21.54 and the administrative rules promulgated  
18 thereunder before the permit is issued.

19 SECTION 110. Ordinance 3688, Section 105, as amended, and  
20 K.C.C. 25.04.050 are each hereby amended.

21 Relationship to other King County programs.

22 A. When provisions of this chapter conflict with the  
23 sensitive areas code, K.C.C. Chapter 21.54, that which provides  
24 more protection to the sensitive area shall apply.

25 B. King County shall issue no permit prior to approval  
26 pursuant to this title (~~nor~~) and shall take no action  
27 contrary to the goals, policies, objectives and regulations of  
28 the King County shoreline management master program when  
29 property under the jurisdiction of the Shoreline Management Act  
30 is involved in a request for a decision in any of the following  
31 programs:

- 32 ((A-)) 1. Building permit;
- 33 ((B-)) 2. Right-of-way construction permit;
- 34 ((C-)) 3. Short subdivision;
- 35 ((D-)) 4. Grading permit;
- 36 ((E-)) 5. Site plan approval;
- 37 ((F-)) 6. Access permit;



- 1 ((G-)) 7. Trail permit;  
 2 ((H- ~~State flood control zone permit~~))  
 3 ((I-)) 8. Zoning variance;  
 4 ((J-)) 9. Conditional use permit;  
 5 ((K-)) 10. Comprehensive plan amendment or addition;  
 6 ((L-)) 11. Zone reclassification;  
 7 ((M-)) 12. Unclassified use permit;  
 8 ((N-)) 13. Planned unit development approval;  
 9 ((O-)) 14. Subdivision approval;  
 10 ((P-)) 15. Mobile home park permit;  
 11 ((Q-)) 16. Mobile home permit; and  
 12 ((R-)) 17. Recreational vehicle park permit.

13 SECTION 111. Ordinance 3688, Section 403 and  
 14 K.C.C. 25.16.030 are each hereby amended to read as follows:  
 15 General requirements.

16 A. Nonwater related development and residential  
 17 development shall not be permitted waterward of the ordinary  
 18 high water mark.

19 B. Except in those cases when the height requirements of  
 20 the underlying zones are more restrictive, no structure shall  
 21 exceed a height of thirty-five feet above grade level. This  
 22 requirement may be modified if the view of a substantial number  
 23 of residences will not be obstructed, if permitted by the  
 24 applicable provisions of the underlying zoning, and if the  
 25 proposed development is agricultural, water related or water  
 26 dependent.

27 C. All development shall be required to provide adequate  
 28 surface water retention and sedimentation facilities during the  
 29 construction period.

30 D. Development shall maintain the first fifty feet of  
 31 property abutting a natural environment as required open space.

32 E. Parking facilities except parking facilities  
 33 associated with detached single-family and agricultural  
 34 development shall conform to the following minimum conditions:

- 35 1. Parking areas serving a water related or nonwater  
 36 related use must be located beneath or upland of the  
 37 development which the parking area serves;

1           2. Any outdoor parking area perimeter, excluding  
2 entrances and exits, must be maintained as a planting area with  
3 a minimum width of five feet;

4           3. One live tree with a minimum height of four feet  
5 shall be required for each thirty linear feet of planting area;

6           4. One live shrub of one-gallon container size or  
7 larger for each sixty linear inches of planting area shall be  
8 required;

9           5. Additional perimeter and interior landscaping of  
10 parking areas may be required, at the discretion of the  
11 director, when it is necessary to screen parking areas or when  
12 large parking areas are proposed;

13           F. Collection facilities to control and separate  
14 contaminants shall be required where stormwater runoff from  
15 impervious surfaces would degrade or add to the pollution of  
16 recipient waters or adjacent properties.

17           G. The regulations of this chapter have been categorized  
18 in a number of sections; regardless of the categorization of  
19 the various regulations, all development must comply with all  
20 applicable regulations.

21           H. Development proposed in shorelines of the state shall  
22 maintain setbacks, provide easements or otherwise develop the  
23 site to permit a trail to be constructed or public access to  
24 continue where:

25           1. There is a proposed trail in the King County trail  
26 system; and

27           2. Part of the site is presently being used and has  
28 historically been used for public access.

29           I. ((a-)) Along shorelines of the state on Lake  
30 Sammamish, no building shall be placed on lands below  
31 thirty-two and one-half feet mean sea level.

32           J. The regulations of this chapter are in addition to  
33 other adopted ordinances and rules. Where conflicts exist,  
34 that which provides more protection to sensitive area shall  
35 apply; except that water dependent uses shall adhere to the  
36 applicable regulations and policies of the King County  
37 Shoreline Master Program.

1            SECTION 112. Ordinance 3688, Section 503 and  
2 K.C.C. 25.20.030 are each hereby amended to read as follows:

3            General Requirements.

4            A. Nonwater related development and residential  
5 development shall not be permitted waterward of the ordinary  
6 high water mark.

7            B. Except in those cases when the height requirements of  
8 the underlying zones are more restrictive, no structure shall  
9 exceed a height of thirty-five feet above grade level. This  
10 requirement may be modified if the view of a substantial number  
11 of residences will not be obstructed, if permitted by the  
12 applicable provisions of the underlying zoning, and if the  
13 proposed development is agricultural, water related or water  
14 dependent.

15           C. All development shall be required to provide adequate  
16 surface water retention and sedimentation facilities during the  
17 construction period.

18           D. Development shall maintain the first fifty feet of  
19 property abutting a natural environment as required open space.

20           E. Parking facilities except parking facilities  
21 associated with detached single-family and agricultural  
22 development shall retain existing vegetation or be planted in  
23 conformance with the landscape standards enumerated in the  
24 general requirements (Section 25.16.030) of the urban  
25 environment.

26           F. Collection facilities to control and separate  
27 contaminants shall be required where stormwater runoff from  
28 impervious surfaces would materially degrade or add to the  
29 pollution of recipient waters or adjacent properties.

30           G. The regulations of this chapter have been categorized  
31 in a number of sections; regardless of the categorization of  
32 the various regulations, all development must comply with all  
33 applicable regulations.

34           H. Development proposed in shorelines of the state shall  
35 maintain setbacks, provide easements or otherwise develop the  
36 site to permit a trail to be constructed or public access to  
37 continue where:

1 1. There is a proposed trail in the King County trail  
2 system; or

3 2. Part of the site is presently being used and has  
4 historically been used for public access.

5 I. ~~((a-))~~ Along shorelines of the state on Lake  
6 Sammamish, no building shall be placed on lands below  
7 thirty-two and one-half feet mean sea level.

8 J. The regulations of this chapter are in addition to  
9 other adopted ordinances and rules. Where conflicts exist,  
10 that which provides more protection to the sensitive area shall  
11 apply; except that water dependent uses shall adhere to the  
12 applicable regulations and policies of the King County  
13 Shoreline Master Program.

14 SECTION 113. Ordinance 3688, Section 506 and  
15 K.C.C. 25.20.060 are each hereby amended to read as follows:

16 Forest ~~((management))~~ practices.

17 Forest ~~((management))~~ practices may be permitted in the  
18 rural environment provided:

19 ~~((A. In order to prevent unnatural erosion, siltation,~~  
20 ~~and temperature increase; to prevent movement of logging debris~~  
21 ~~into lakes and streams; to preserve bank structure and riparian~~  
22 ~~vegetation, and to preserve the aesthetic qualities of~~  
23 ~~shoreline, a buffer strip shall be established along rivers,~~  
24 ~~streams, lakes and other waterbodies. All residual vegetation~~  
25 ~~in the buffer strip, including grasses, shrubs, natural cull,~~  
26 ~~and nonmerchantable trees which serve such purpose shall be~~  
27 ~~left substantially undisturbed. Where residual vegetation is~~  
28 ~~inadequate to provide such a buffer, sufficient merchantable~~  
29 ~~trees shall be left. Removal of mature timber from the buffer~~  
30 ~~strip which would destroy the shading and filtering impact of~~  
31 ~~the remaining buffer is prohibited.))~~

32 A. Forest practices (see R.C.W. 76.09) within shorelines  
33 require a shoreline conditional use permit when occurring  
34 outside of the lands classified F in the King County zoning  
35 code. Forest practices within shorelines on lands classified F  
36 in the King County zoning code shall require a shoreline  
37 conditional use permit when shorelines of statewide

1 significance are involved or the forest practices would  
2 potentially impact:

- 3 1. geological hazards which could damage public  
4 resources;
- 5 2. state threatened or endangered species;
- 6 3. critical wildlife habitat;
- 7 4. streams which could create instability of the  
8 drainage or affect temperature or sediment delivery to other  
9 streams resulting in damage to public resources;
- 10 5. identified critical areas of watersheds supplying  
11 fish hatcheries, artificial rearing areas, domestic or  
12 municipal water systems;
- 13 6. areas having archeological or cultural significance;
- 14 7. areas with a high potential of soil erosion.

15 B. Buffers. On all forest practices requiring a  
16 shoreline conditional use permit, a minimum buffer of 100 feet  
17 from either the ordinary high water mark or the edge of the  
18 FEMA floodway, whichever is greater, shall be established. The  
19 buffer shall be extended as necessary pursuant to the sensitive  
20 areas code to protect critical fish habitat for spawning or  
21 rearing; to alleviate surface water runoff problems; to protect  
22 habitat for endangered, threatened, sensitive or monitor  
23 species listed by the federal government or the State of  
24 Washington; to control erosion hazards or for other reasons set  
25 out in K.C.C. 21.54. Along shorelines outside of lands  
26 classified F, there shall be no harvest of timber within the  
27 buffer except for necessary roads and crossings. Along  
28 shorelines within the lands classified F where a conditional  
29 use permit is required, timber harvest within the buffer is  
30 permitted so long as the functions of the buffer are not  
31 damaged and the applicant submits a harvest plan for review and  
32 approval.

33 ((B)) C. All culverts shall be adequate in size and  
34 design to carry the maximum anticipated flow, and shall be kept  
35 clear of obstructions. The minimum size for culverts shall be  
36 fifteen inches in diameter.

1 ((G)) D. Culverts installed in streams used by fish shall  
2 meet all requirements set by the State Departments of Fisheries  
3 and ((Game)) Wildlife.

4 ((D)) E. Roads and landings shall not be constructed  
5 within shoreline areas except when necessary to:

6 1. Cross streams;  
7 2. Avoid road construction on unstable soils or on  
8 steep slopes when such construction would be more harmful than  
9 a shoreline location;

10 3. Perform water course improvement work only after  
11 approval of the State Departments of Fisheries and ((Game))  
12 Wildlife.

13 ((E)) F. Roads shall minimize cut and fill.

14 ((F)) G. Where roadside material is potentially unstable  
15 or erodible, it shall be stabilized by use of seeding,  
16 compacting, riprapping, benching, or other suitable means.

17 ((G)) H. Cut slopes shall not exceed:

18 (X to Y) 1/4 to 1 in rock  
19 3/4 to 1 in stable soils  
20 1-1/2 to 1 in unstable soils

21 ((H)) I. Side cast and embankment fill slopes shall not  
22 exceed:

23 (X to Y) 1-1/3 to 1 in broken rock and stable soils  
24 1-1/2 to 1 in unstable soils

25 ((I)) J. Running surface widths should be kept to a  
26 minimum, with not more than twenty-six feet for two-lane roads  
27 and not more than fourteen feet for single lane roads.

28 ((J)) K. Embankment fill shall:

29 1. Be constructed and compacted in layers no more than  
30 two feet thick;

31 2. Consist of inorganic material with no buried slash  
32 or debris beneath the running surface;

33 3. Not encroach upon a one-hundred-year floodplain to  
34 as to reduce its storage capacity or disturb riparian  
35 vegetation;

36 ((K)) L. Where side cast would encroach upon a  
37 one-hundred-year floodplain, end haul construction is required.

1 ((E)) M. Waterway crossings shall be constructed with  
2 minimum disturbance to banks and existing channels.

3 ((M)) N. Any soil or debris accidentally placed in the  
4 channel during bridge construction shall be removed by approved  
5 methods. All exposed soils shall be stabilized.

6 ((N)) O. All bridges shall be high enough to pass all  
7 anticipated debris and high water flows.

8 ((O)) P. Where aggregate earthen materials are used for  
9 paving or accumulate on bridges, sufficient curbs shall be  
10 installed to contain the surface material.

11 ((P)) Q. Each stringer bridge shall have one secured end  
12 and one end free to swing.

13 ((Q)) R. When active use of a logging road is  
14 discontinued, it shall be left in such condition to provide  
15 adequate drainage and soil stability.

16 ((R)) S. Equipment used for transportation, storage or  
17 application of chemicals shall be maintained in leakproof  
18 condition. If there is evidence of chemical leakage, the  
19 further use of such equipment must be suspended until the  
20 deficiency has been satisfactorily corrected.

21 ((S)) T. Materials treated with penta, creosote, or other  
22 chemicals shall be dried completely before use in any lake or  
23 stream. The executive will report to the council when work of  
24 the Sustainable Forestry Roundtable has been completed.

25 SECTION 114. Ordinance 3688, Section 603 and  
26 K.C.C. 25.24.030 are each hereby amended to read as follows:

27 General Requirements.

28 A. Nonwater related, water related and residential  
29 development shall not be permitted waterward of the ordinary  
30 high water mark.

31 B. Except in those cases when the height requirements of  
32 the underlying zones are more restrictive, no structure except  
33 agricultural structures may exceed a height of thirty-five feet  
34 above grade level.

35 C. All development shall be required to provide adequate  
36 surface water retention and sedimentation facilities during the  
37 construction period.

1 D. Development shall maintain the first fifty feet of  
2 property abutting a natural environment as required open space.

3 E. Parking facilities except parking facilities  
4 associated with detached single-family and agricultural  
5 development shall maintain a shoreline setback of one hundred  
6 feet from the ordinary high water mark and retain existing  
7 vegetation or be planted in conformance with the landscape  
8 standards enumerated in the general requirements (Section  
9 25.16.030) of the urban environment.

10 F. Collection facilities to control and separate  
11 contaminants shall be required where stormwater runoff from  
12 impervious surfaces would materially degrade or add to the  
13 pollution of recipient waters or adjacent properties.

14 G. The regulations of this chapter have been categorized  
15 in a number of sections; regardless of the categorization of  
16 the various regulations, all development must comply with all  
17 applicable regulations.

18 H. Development proposed in shorelines of the state shall  
19 maintain setbacks, provide easements or otherwise develop the  
20 site to permit a trail to be constructed or public access to  
21 continue where:

22 1. there is a proposed trail in the King County trail  
23 system; or

24 2. part of the site is presently being used and has  
25 historically been used for public access.

26 I. ((a+)) Along shorelines of the state on Lake  
27 Sammamish, no building shall be placed on lands below  
28 thirty-two and one-half feet mean sea level.

29 J. The regulations of this chapter are in addition to  
30 other adopted ordinances and rules. Where conflicts exist,  
31 that which provides more protection to a sensitive area shall  
32 apply; provided except that water dependent uses shall adhere  
33 to the applicable regulations and policies of the King County  
34 Shoreline Master Program and shall comply with other ordinances  
35 and rules to the greatest extent feasible.

36 SECTION 115. Ordinance 8330, Section 29, as amended, and  
37 K.C.C. 27.20.020 are each hereby amended to read as follows:



1	Shoreline fees.	
2	A. Substantial Development Permit -	
3	Total Cost of Proposed Development	Fee
4	Up to \$10,000	\$248
5	\$10,001 to \$100,000	\$990
6	\$100,001 to \$500,000	\$2,640
7	\$500,001 to \$1,000,000	\$4,400
8	More than \$1,000,000	\$6,600
9	B. Shoreline conditional use permit: (( <del>\$2,060</del> ))	\$2,200
10	1. <u>Non-forest practices</u>	\$2,200
11	2. <u>Forest practices</u>	\$246
12	C. Shoreline variances -	
13	1. Up to \$10,000 project value:	\$660
14	2. \$10,0001 and above:	\$2,200
15	D. Shoreline redesignation from -	
16	Natural - Base	\$4,400
17	Per shoreline lineal foot:	\$5.60
18	Maximum:	\$16,501
19	Conservancy - Base:	\$3,520
20	Per shoreline lineal foot:	\$5.60
21	Maximum:	\$13,200
22	Urban or Rural - Base:	\$2,420
23	Per shoreline lineal foot:	\$4.40
24	Maximum:	\$9,900
25	E. Shoreline review of exempt permits for conditions:	\$56
26	F. Shoreline exemption	\$96
27	G. Supplemental fees -	
28	1. Request for an extension of a permit,	
29	calculated as a percent of the original permit:	20.00%
30	2. Shoreline permit revision,	
31	calculated as a percent of the original permit:	20.00%
32	3. Surcharge when public hearing required:	12.00%
33	Minimum	\$320
34	4. Permit compliance inspection for approvals	
35	not subject to future building or grading permit-	
36	Hourly rate (including travel time):	\$60
37	Plus per mile rate:	\$ .30

1           SECTION 116. Ordinance 2537, Section 1 and  
 2 K.C.C. 20.36.100 are hereby amended as follows:

3           Criteria for approval - Current use taxation of open space  
 4 land.

5           Classification of open space land (but not including farm  
 6 and agricultural land) for current use taxation under the  
 7 provisions of RCW 84.34 will be limited by the following  
 8 criteria:

9           A. The property shall provide active or passive  
 10 recreational opportunities or other types of uses which  
 11 complement or substitute for government facilities, and which  
 12 are either open to the public (user fees comparable to those  
 13 charged by like public facilities may be charged) or which  
 14 provide recreational or other services to youth, senior  
 15 citizens, the handicapped or other similar groups; or

16           B. The property has been identified as land which the  
 17 county may, at a future date, want to purchase as park,  
 18 recreation or other type of open space land. Classification of  
 19 such lands as open space land under RCW 84.34 shall be subject  
 20 to the execution of an option agreement stipulating that the  
 21 property owner will sell the property to King County for a  
 22 specified price which shall be the fair market value of the  
 23 property at the time the land is classified as open space  
 24 land(+); or

25           C. The property contains streams, wetlands, steep slopes  
 26 and landslide hazard areas and their associated buffers and  
 27 flood hazard areas, as regulated under K.C.C.21.54., provided:

- 28           1. A sensitive areas setback area is in place; and  
 29           2. Density credits have not been awarded for the site.

30 V. BONDS, RULES, PENALTIES AND APPEALS

31           NEW SECTION. SECTION 117. There is hereby added to  
 32 K.C.C. 21.54 a new section to read as follows:

33           Bonds for Restoration and Mitigation Activities.

34           A. Performance bonds.

35           Mitigation required pursuant to a development proposal  
 36 must be completed prior to King County's granting of final  
 37 approval of the development proposal. If the applicant

1 demonstrates that seasonal requirements or other circumstances  
2 beyond its control prevent completion of the mitigation prior  
3 to final approval, the applicant may post a performance bond or  
4 other security instrument in a form and amount deemed  
5 acceptable by the Director and the Prosecuting Attorney's  
6 office, which guarantees that all required mitigation measures  
7 will be completed no later than the time established by the  
8 department in accordance with this chapter.

9 B. Maintenance/monitoring bonds. King County shall  
10 require the applicant whose development proposal is subject to  
11 a mitigation plan to post a maintenance/monitoring bond or  
12 other security instrument in a form and amount determined  
13 sufficient to guarantee satisfactory workmanship, materials,  
14 and performance of structures and improvements allowed or  
15 required by this chapter for a period of up to five years. The  
16 duration of maintenance/monitoring obligations shall be  
17 established by the department after consideration of the nature  
18 of the proposed mitigation and likelihood and expense of  
19 correcting mitigation failures.

20 C. Performance and maintenance/monitoring bonds or other  
21 security instruments shall also be required for restoration of  
22 a sensitive area not performed as part of a mitigation plan,  
23 except no bond shall be required for minor stream restoration  
24 carried out pursuant to this chapter.

25 D. Bonds or other security instruments shall be in a form  
26 and amount approved by the Director and the Prosecuting  
27 Attorney's office and shall remain in effect until the Director  
28 determines in writing that performance and maintenance  
29 standards have been met.

30 E. Enforcement of Bonds.

31 Depletion, failure, or collection of bond funds shall not  
32 discharge the obligation of an applicant or violator to  
33 complete required mitigation or restoration.

34 SECTION 118. Ordinance 4569, Section ((3)) 4, as amended,  
35 and K.C.C. 23.08.110 are each hereby amended to read as  
36 follows:

37 Civil penalties - Schedules.

1 A. Civil penalties for violations of persons engaged in  
 2 commercial ventures shall be assessed pursuant to the following  
 3 schedule:

4	Violation of K.C.C. Chapter 8.12	- \$1000 per violation
5	Violation of K.C.C. Chapter 8.60	- \$ 500 per violation
6	Violation of K.C.C. Title 10	- \$1000 per violation
7	Violation of K.C.C. Chapter 12.92	- \$ 500 per violation
8	Violation of K.C.C. Title 13	- \$ 250 per violation
9	Violation of K.C.C. Chapter 16.82	- \$ 500 per violation
10	violation of K.C.C. Title 19	- \$ 250 per violation
11	<u>Violation of K.C.C. Chapter 21.54</u>	<u>- See provisions in</u>
12		<u>Section 120</u>
13	Violation of any stop work order	- \$ 500 per violation
14	<u>Violation of any stop work order issued for</u>	
15	<u>a violation of K.C.C. Chapter 21.54</u>	<u>- \$ 2000 per violation</u>
16	All other violations	- \$ 150 per violation

17 B. Civil penalties for violations by persons engaged in  
 18 non-commercial ventures shall be assessed pursuant to the  
 19 following schedule:

20	Violation of K.C.C. Chapter 8.12	- \$ 500 per violation
21	Violation of K.C.C. Chapter 8.60	- \$ 250 per violation
22	Violation of K.C.C. Chapter 16.82	- \$ 100 per violation
23	Violation of K.C.C. Title 19	- \$ 100 per violation
24	Violation of K.C.C. Title 10	- \$ 500 per violation
25	<u>Violation of K.C.C. Chapter 21.54</u>	<u>- See provisions in</u>
26		<u>Section 120</u>
27	Violation of any stop work order	- \$ 100 per violation
28	<u>Violation of any stop work order issued</u>	
29	<u>for a violation of K.C.C. Chapter 21.54</u>	<u>\$1000 per violation</u>
30	All other violations	- \$ 25 per violation

31 C. Penalties for the second separate violation by the  
 32 same person shall be double the rates identified in subsections  
 33 A. and B. of this section. Penalties for any separate  
 34 violation beyond a second violation by the same person shall be  
 35 triple the rates identified in subsections A. and B. of this  
 36 section; provided that for violation of K.C.C. Chapter 21.54  
 37 penalties shall be assessed in accordance with Section 120.

1 Each day on which activity occurs in violation of a stop work  
2 order shall be deemed a separate violation for purposes of this  
3 section.

4 SECTION 119. Ordinance 2909, Section 201 and  
5 K.C.C. 23.12.010 are each hereby amended to read as follows:  
6 Initiation.

7 A. Whenever a director has reason to believe that a use  
8 or condition exists in violation of any land use or public  
9 health ordinance, or rules and regulations adopted thereunder,  
10 he shall initiate enforcement action under Sections 23.08.080  
11 or 23.08.060, and/or, at his option, he shall commence an  
12 administrative notice and order proceeding under this chapter  
13 to cause the assessment of a civil penalty pursuant to Section  
14 23.08.090, abatement pursuant to Section 23.08.050, or  
15 suspension and revocation of any permits issued pursuant to  
16 Chapter 23.16.

17 B. Pending commencement and completion of the notice and  
18 order procedure provided for in this chapter, a director may  
19 cause a stop work order to be posted on the subject property or  
20 served on persons engaged in any work or activity in violation  
21 of a land use or public health ordinance. The effect of such a  
22 stop work order shall be to require the immediate cessation of  
23 such work or activity until authorized by a director to  
24 proceed; provided, however, in the case of a violation of the  
25 sensitive area code as defined in K.C.C. Chapter 21.54, a stop  
26 work order shall require that all activity on the development  
27 proposal site cease until authorized by a director to proceed.

28 C. Upon issuance of any notice of order, the Director may  
29 file a copy of the same with the Office of Records and  
30 Elections. Following satisfactory resolution of the notice and  
31 order, the Director shall file a notice of satisfaction with  
32 the Office of Records and Elections.

33 NEW SECTION. SECTION 120. There is hereby added to  
34 K.C.C. 23.08 a new section to read as follows:

35 Enforcement and Penalties for Sensitive Areas.

36 The enforcement provisions for sensitive areas are  
37 intended to encourage compliance with K.C.C. 21.54 and protect

1 sensitive areas and the public from harm. To achieve this,  
2 violators will not only be required to restore damaged  
3 sensitive areas, insofar as that is possible, but will also be  
4 required to pay a civil penalty for the redress of ecological,  
5 recreational, and economic values lost or damaged due to their  
6 unlawful action.

7 A. The provisions in this section are in addition to and  
8 not in lieu of any other penalty, sanction or right of action  
9 provided by law.

10 B. In all cases, the owner of the land shall be named as  
11 a party to the notice and order. In addition to any other  
12 persons who may be liable for violations, the owner shall be  
13 jointly and severally liable for the restoration of a site and  
14 payment of any civil penalties imposed.

15 C. Violation of this ordinance means the violation of any  
16 provision of K.C.C. 21.54 or of the administrative rules  
17 promulgated hereunder, or of any permit or approval or stop  
18 work order or any other order issued pursuant hereto, or of any  
19 of the terms and conditions of any sensitive area tract or  
20 setback area, easement or other covenant, plat restriction or  
21 binding assurance, or of any mitigation plan, or contract or  
22 agreement concluded pursuant to the above-mentioned provisions  
23 of this ordinance.

24 D. Civil penalties. Any person in violation of  
25 Chapter 21.54 shall be subject to civil penalties assessed as  
26 follows:

27 1. An amount reasonably determined by the Director to  
28 be equivalent to the economic benefit that the violator derives  
29 from the violation as measured by the greater of the resulting  
30 increase in market value of the property or the value received  
31 by the violator, or savings of construction costs realized by  
32 the violator performing any act in violation of this chapter;  
33 and

34 2. An amount, not to exceed \$25,000, that is reasonably  
35 based upon the nature and gravity of the violation and the cost  
36 to the county of enforcing this ordinance against the violator.

1           3. Any civil penalty recovered under this section shall  
2 be deposited in the Sensitive Areas Mitigation Fund for use by  
3 the county in protecting or restoring sensitive areas as set  
4 forth in Section 17.

5           4. No civil penalty shall be imposed under this  
6 ordinance upon King County or county employees for any act or  
7 omission relating to the administration or enforcement of this  
8 ordinance.

9           F. Revocation or Refusal to Accept Application.

10           1. In addition to the revocation and suspension  
11 provisions set forth in K.C.C. Chapter 23.16., a permit or  
12 approval that is subject to sensitive areas review may be  
13 revoked or suspended upon failure by an applicant to disclose a  
14 change of circumstances on the development proposal site which  
15 materially affects his or her ability to meet the permit or  
16 approval conditions or which makes inaccurate the sensitive  
17 area study that was the basis for imposing permit or approval  
18 conditions.

19           2. In addition to any other enforcement method, to  
20 further theremedial purposes of this section, King County  
21 shall refuse to accept any application for a permit or approval  
22 for a development proposal for any property on which a  
23 violation of this ordinance has occurred, on which a violation  
24 of any prior ordinance repealed by this ordinance or of the  
25 administrative rules promulgated thereunder or of any permit,  
26 approval, order, easement plan or agreement issued pursuant  
27 thereto has occurred. Such refusal shall continue until the  
28 violation is cured by restoration accepted as complete by King  
29 County and by payment of any civil penalty imposed for the  
30 violation. Provided that, applications for permits or  
31 approvals shall be accepted to the extent necessary to  
32 accomplish any required cure.

33           3. In order to further the remedial purpose of this  
34 section, King County shall refuse to accept any application for  
35 a development proposal permit or approval from any person found  
36 to have violated this ordinance until the violation is cured by  
37 restoration accepted as complete by King County or a mitigation

1 plan and performance bond to ensure completion has been  
2 approved by King County and by payment of any civil penalty  
3 imposed for the violation. Provided that, applications shall  
4 be accepted to the extent necessary to accomplish any required  
5 cure.

6 4. For the purposes of this subsection, a person will  
7 be deemed to have been found in violation of this ordinance:

8 a. When a notice and order alleging a violation is  
9 issued and not timely appealed; or

10 b. When a determination is made by a hearing examiner  
11 that a person has committed a violation, unless that  
12 determination is timely appealed to Superior Court and is  
13 thereupon reversed or otherwise stayed.

14 G. Any person subject to the provisions of this ordinance  
15 who violates any provision of this ordinance shall be liable  
16 for all damage to public or private property arising from such  
17 violation, including the cost of restoring the affected area,  
18 within a reasonable time, to its condition prior to such  
19 violation.

20 SECTION 121. Ordinance 2909 and 105 and K.C.C. 23.08.080  
21 are each hereby amended to read as follows:

22 As an alternative to any other judicial or administrative  
23 remedy provided in this title or by law or other ordinance, any  
24 person who wilfully or knowingly violates any land use or  
25 public health ordinance, or rule and regulation adopted  
26 thereunder, or any order issued pursuant to this title, or by  
27 each act of commission or omission procures, aids or abets such  
28 violation, is guilty of a misdemeanor and upon conviction shall  
29 be punished by a fine not to exceed (~~five hundred~~) one  
30 thousand dollars and/or imprisonment in the county jail for a  
31 term not to exceed ninety days. Each day such violation  
32 continue(~~d~~)s shall be considered an additional misdemeanor  
33 offence.

34 SECTION 122. Ordinance 4461, Section 2, as amended, and  
35 K.C.C. 20.24.080 are each hereby amended to read as follows:

36 Final decisions by the examiner.



- 1           A. The examiner shall receive and examine available  
2 information, conduct public hearings and prepare records and  
3 reports thereof, and issue final decisions based upon findings  
4 and conclusions in the following cases:
- 5           1. Appeals from the decisions of the administrator for  
6 short subdivisions, including those variance decisions of the  
7 road engineer made pursuant to K.C.C. 14.42.060 with regard to  
8 road circulation in the subject short subdivisions;
- 9           2. Appeals of threshold determinations;
- 10          3. Appeals from notices and orders issued pursuant to  
11 Title 23 of this code or the Rules and Regulations VII of the  
12 King County department of public health;
- 13          4. Appeals from decisions (~~(of the manager of building~~  
14 ~~and land development division permits or licenses in floor~~  
15 ~~areas)) to require sensitive areas studies or to condition or  
16 deny pursuant to chapter 21.54 development proposals which do  
17 not otherwise have an appeal process available.  
18 ((Section 21.54.100));~~
- 19          5. Appeals from conditions imposed on final approvals  
20 of subdivisions receiving extensions pursuant to Section  
21 19.28.050.E. or F.;
- 22          6. Appeals from decisions of the zoning adjuster on  
23 administrative conditional use permits, conditional use permits  
24 or variances;
- 25          7. Appeals from decisions regarding site plan approvals  
26 pursuant to Section 21.46.180 and pursuant to Ordinance 4122;
- 27          8. Appeals from decisions regarding the abatement of  
28 nonconforming uses;
- 29          9. Applications for shoreline substantial development  
30 permits when combined with other land use applications pursuant  
31 to Section 25.32.080;
- 32          10. Appeals from decisions regarding modification of  
33 landscaping requirements pursuant to Section 21.51.050;
- 34          11. Appeals from decisions of the director of the  
35 department of public works on requests for rate adjustments to  
36 surface and storm management rates and charges;

1           12. Appeals from decisions regarding the reuse of  
2 public schools pursuant to Section 21.08.040.H.;

3           13. Appeals from decisions to condition or deny  
4 applications pursuant to RCW 43.21C.060, as provided in Section  
5 20.44.120 2.C.;

6           14. Appeals from department of public safety seizures  
7 and intended forfeitures, when properly designated by the chief  
8 law enforcement officer of that department as provided in RCW  
9 69.50.505;

10           15. Appeals from decisions of the manager of building  
11 and land development division on variances;

12           16. Appeals from notices and certifications of junk  
13 vehicles to be removed as a public nuisance as provided in  
14 Chapter 23.10

15           17. Applications for a reasonable use exception  
16 pursuant to Section 6;

17           18. Appeals from denials under Section 120.

18           ((17-)) 19. Other applications or appeals which the  
19 council may prescribe by ordinance; and

20           B. The examiner's decision may be to grant or deny the  
21 application or appeal, or the examiner may grant the  
22 application or appeal with such conditions, modifications and  
23 restrictions as the examiner finds necessary to make the  
24 application or appeal compatible with the environment and carry  
25 out applicable state laws and regulations and the regulations,  
26 policies, objectives and goals of the comprehensive plan, the  
27 community plans, the sewerage general plan, the zoning code,  
28 the subdivision code or other official laws, policies and  
29 objectives of King County.

30           SECTION 123. Ordinance 4461, Section 1, as amended, and  
31 K.C.C. 20.24.070 are each hereby amended to read as follows:

32           Recommendations to the council.

33           A. The examiner shall receive and examine available  
34 information, conduct public hearings and prepare records and  
35 reports thereof and issue recommendations to the council based  
36 upon findings and conclusions in the following cases:

37           1. Applications for reclassifications of property;

- 1           2. Applications for unclassified use permits;
- 2           3. Applications for planned unit developments;
- 3           4. Applications for preliminary plats; including those
- 4 variance decisions made by the road engineer pursuant to
- 5 K.C.C. 14.42.060 with regard to road circulation in the subject
- 6 preliminary plat proposal;
- 7           5. Applications for shoreline environment
- 8 redesignations;
- 9           6. Applications for boundary adjustments of local sewer
- 10 service areas in accordance with the county sewerage general
- 11 plan, Ordinance 4035, Chapter 6, required for development
- 12 proposals including but not limited to short subdivisions and
- 13 building permits, which seek or need sewer service but are
- 14 located outside of existing designated local sewer service
- 15 areas;
- 16           7. Applications for agricultural land variances;
- 17           8. Applications for review of designations of
- 18 agricultural lands of county significance of King County
- 19 agricultural districts;
- 20           9. Applications to revise the boundaries of
- 21 agricultural lands of county significance;
- 22           10. Applications for current use assessment on open
- 23 space or timber lands except as provided in Section 20.36.090;
- 24           11. Appeals from denials by the county assessor of
- 25 applications for current use assessments on farm and
- 26 agricultural lands;
- 27           12. Appeals from decisions regarding residential
- 28 condominium binding site plan applications pursuant to
- 29 Section 19.34.050;
- 30           13. Applications for a public agency exception pursuant
- 31 to Section 6.
- 32           (~~13~~) 14. Other applications or appeals which the
- 33 council may prescribe by ordinance.
- 34           B. The examiner's recommendation may be to grant or deny
- 35 the application or appeal, or the examiner may recommend that
- 36 the council adopt the application or appeal with such
- 37 conditions, modifications and restrictions as the examiner

1 finds necessary to make the application reasonably compatible  
2 with the environment and carry out applicable state laws and  
3 regulations and the regulations, policies, objectives and goals  
4 of the comprehensive plan, the community plans, the sewerage  
5 general plan, the zoning code, the subdivision code and other  
6 official laws, policies and objectives of King County.

7 VI. OTHER PROVISIONS

8 NEW SECTION. SECTION 124. There is hereby added to  
9 K.C.C. 21.54 a new section to read as follows:

10 Sensitive Areas - Rules.

11 A. The departments of parks, planning and resources and  
12 the department of public works are authorized to adopt,  
13 pursuant to K.C.C. 2.98, such rules as are necessary and  
14 appropriate to implement this ordinance. The directors may  
15 prepare and require the use of such forms as are necessary to  
16 its administration.

17 B. The directors shall submit for review by the King  
18 County Council the following rules within 90 days of their  
19 effective dates. The Council shall approve or modify as  
20 necessary such rules by motion. The rules shall remain in  
21 effect during this review and any modifications shall become  
22 effective 10 days after adoption of the motion.

- 23 1. Standards for seismic hazard areas;
- 24 2. Criteria for additional buffers on streams and  
25 wetlands;
- 26 3. View corridor clearing and maintenance criteria for  
27 steep slope hazard areas;
- 28 4. Livestock access to streams and wetlands;
- 29 5. Criteria for wetland and stream enhancement  
30 projects;
- 31 6. Performance standards for enhancement and  
32 replacement of wetlands and streams;
- 33 7. Restoration criteria.

34 NEW SECTION. SECTION 125. There is hereby added to  
35 K.C.C. 21.54 a new section to read as follows:

36 Liberal construction.

1 This chapter is exempted from the rule of strict  
2 construction and shall be liberally construed to give full  
3 effect to the goals, purposes and objectives for which it was  
4 enacted.

5 NEW SECTION. SECTION 126. There is hereby added to  
6 K.C.C. 21.54 a new section to read as follows:  
7 Severability.

8 If any provision of this act or its application to any  
9 person or circumstance is held invalid, the remainder of the  
10 act or the application of the provision to other persons or  
11 circumstances is not affected.

12 NEW SECTION. SECTION 127. Effective date.  
13 This ordinance shall become effective ninety days after  
14 adoption by the King County Council with the exception of  
15 Sections 111, 112, 113, and 114 which shall become effective  
16 upon approval of these amendments by the State of Washington  
17 Department of Ecology pursuant to Chapter 90.58 RCW.

18 INTRODUCED AND READ for the first time this 13<sup>th</sup>  
19 day of March, 1989.

20 PASSED this 29<sup>th</sup> day of August, 1990

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Lois North  
Chairman

23  
24  
25 ATTEST:

26 Gerald A. Peterson  
27 Clerk of the Council

28 APPROVED this 10<sup>th</sup> day of September, 1990.

29 [Signature]  
30 King County Executive